Legislative Assembly of Alberta

The 22nd Legislature
Third Session

Select Special Committee on Constitutional Reform

Subcommittee A

Transcript of Public Hearings

Volume I

May 24 to June 1, 1991

Legislative Assembly of Alberta

The 22nd Legislature

Third Session

Select Special Committee on Constitutional Reform

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Select Special Committee on Constitutional Reform

Subcommittee A

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2:58 p.m. **Friday, May 24, 1991**

[Chairman: Mr. Horsman]

MR. CHAIRMAN: Could I get the proceedings under way. It is now 3 o'clock, and I'd like to stick to our very ambitious schedule here. I'll quickly commence the proceedings by introducing myself: I'm Jim Horsman. I'm the member of the Legislature from Medicine Hat and chairman of this panel. We have a 16-member panel which is comprised of all parties in the Alberta Legislature, and we have divided the panel into two groups. Another group is beginning discussions in Calgary at the present time, and that's the way we're trying to double up on the number of opportunities that there are for Albertans to present their views to the select special committee of the Legislature.

I'd like to start, if I could, by going around the table. Starting on my left, I'll have the members introduce themselves as well.

MR. McINNIS: My name is John McInnis, MLA for Edmonton-Jasper Place.

MRS. GAGNON: I'm Yolande Gagnon, MLA for Calgary-McKnight.

MR. ADY: Jack Ady, MLA for Cardston.

MR. BRADLEY: Fred Bradley, MLA for Pincher Creek-Crowsnest.

MR. SEVERTSON: Gary Severtson, MLA for Innisfail.

MS BARRETT: Pam Barrett, MLA for the riding we're currently sitting in, Edmonton-Highlands.

MR. ROSTAD: Ken Rostad, MLA for Camrose.

MR. CHAIRMAN: On my left is Garry Pocock, who is the secretary to the committee, and we have a number of staff people around as well. If any of you have any questions that you need assistance from members of the staff, they are all appropriately labeled with staff badges. They will be pleased to assist you. Particularly if you have material that you would like to have photocopied, we will arrange that for you as well. That will give you the opportunity to make sure that everybody has a copy of your information that you'd like to share with us.

I'll be very brief in my opening remarks by saying that this is an opportunity for Albertans to tell the government of Alberta what you think Alberta should be in this country of ours, what future you think holds for Albertans. As we go through the next week or so, we'll be hearing from people in 10 different centres, and we will, I expect, be hearing a broad range of views. We will be approaching this in a nonpartisan way, because it's our intention to listen, not to tell you what's good for you. We want you to tell us what you think is good for Alberta and what you think is good for Canada.

We have a number of people who have requested time to make presentations. We've suggested 15 minutes for each of the presenters. We hope that a person who is making a presentation . . . If you've given us a written document, we will review those very carefully, and rather than just reading them to us, if you would just try and engage in a dialogue, that would permit some questions to come to you from the members of the panel, and we can engage in a dialogue. I want to be as informal as possible, and I don't want anybody to feel in any way that they aren't going to be heard, because they certainly are.

At the end of the day we have reserved time for representations from the floor from people who have not put their name forward for a specific time slot, and we'll try and hear as many of those people as possible.

Okay. I'd like to start. The first person who's requested an opportunity is Mr. Nanno Nanning. I'd like him now, if he would, to come forward, and if you would bring your name tag with you and put it on the table perhaps, Mr. Nanning. I'd welcome you and will be interested in hearing from you as you give us your views.

MR. NANNING: Fifteen minutes for the brief when you're going to read this through fast . . .

MR. CHAIRMAN: Please just hold on. The microphones have to be put into place so that your voice will carry. I'm sorry. We'll just get you wired for sound, so to speak.

MR. NANNING: Please wire me up.

MS BARRETT: I guess that's better than getting beamed up.

MR. CHAIRMAN: I don't think the sound system seems to be . . . Bring the other microphone forward, too, perhaps, and put both of them there.

MS BARRETT: Well, I wonder if it's not the case that these are just for *Hansard*. Are these the *Hansard* ones?

MR. CHAIRMAN: No. When I speak, can you hear me? All right, now can you hear me? All right.

All right, Mr. Nanning, let's give it a shot.

MR. NANNING: Can you hear me?

MR. CHAIRMAN: There we go. Let's go.

MR. NANNING: The political mess we are in is self-inflicted with greed being the moving force. As a population we have no objections to having special privileges and benefits, and as politicians we have our eyes on possible perks and rewards outside these big wages and hope that the new Constitution will safeguard us more against these human weaknesses.

At this moment Alberta citizens are asked to participate in constitutional reform under the guidance of a federal and a provincial party. They don't trust either party at the moment or that would be in power tomorrow, if a vote were taken today. I'm not politically schooled and have grave doubts how Reform can better resolve these sources, and suggest that the federal and provincial governments resign and then form a reformed platform that starts after the election. As this will not happen, we will continue at this rate.

Long ago this country was devoid of human population. Then groups and groups of people poured in over the Bering Strait during the ice age. A second group dislocated the first settlers, and the third group dislocated the second group, and so on. After a while this replacement process repeated itself as different cultural groups came over the Atlantic Ocean. At some point a national unit was created named Canada, and the surviving culture group was granted special privileges. [Inaudible] tried to form a country probably advising our true democracy. The immigration and the settlements went on and on, and many people flocked in from many cultures over many oceans. At this moment, less than 50 percent of the whole population has ancestral ties to our founding fathers and the original Constitution. In the whole of Canada there is not a single person that can claim to be genetically pure of aboriginal stock, but many people and groups of people claim privileges and territorial rights. This is not democratic and should be abandoned. It infers inferiority of the claims.

The intent of the Constitution. There should be a strong central government complete with triple E, as suggested elsewhere. Major changes should be made by referendum, but the decision to wage war, an aggressive war, should be voted on. Major tax changes should be voted on, changes of trading partners, changes influencing the national debt. A universal system of accounting should be adopted. All the inter-Canada trade barriers should be removed. Each individual should vote on separation. The separation of parts of Canada should not follow established borderlines. If parts of Montreal were to separate, it should not compel the rest of Montreal to follow. For practical reasons voting for separation should follow the borders represented by their MPs of nowadays.

3:08

Let this be clearly understood: the separated territory shall bring their own moneys, seek their own trade alliances, and set up their own school curriculums. Canada shall have a universal health system and an interchangeable school system, and where possible trades and professionals shall be able to work wherever in the country. Drivers' licences, travel licences should be universal.

The implementation. A task force of nonpoliticians shall propose the new Constitution. I personally suggest Frances Abele of Carleton University to participate. The questions asked shall be: do you want to remain in Canada? If so, what will be your main legal language? If you opt out of separation are you aware of the ensuing changes to your currency, your consular protection in other countries, the changing markets of your products, transportation to your separate enclave, possible extra duties to your territory, and your possible debt to the rest of Canada?

MR. CHAIRMAN: Thank you very much. There may be some questions arising from your broad-ranging position. Mr. McInnis wishes to ask you a question.

MR. McINNIS: Thanks, Mr. Chairman.

Mr. Nanning, thank you for your presentation. The committee appreciates your views. You suggested a task force of nonpoliticians to put forward a proposal which would go to a referendum on a new Constitution. How do you suggest that we choose the task force? I mean, if they're elected, don't they become politicians through the election process?

MR. NANNING: As politicians you have the most access to people. The name that I picked I just got from a newsletter, wherever. We have to still count on the existing politicians; they are there. There's nothing thing right now – there's a void if you step out – so we have to co-operate with you. But just the same, if other people who were legally schooled and schooled in political science set this up, more scholastic people, I think it would gain more confidence of the people.

MR. McINNIS: A quick supplementary?

MR. CHAIRMAN: Yes, a supplementary.

MR. McINNIS: Some people suggest the idea of a constitutional convention or a constituent assembly similar to what the Americans did when they set out their Constitution initially. Does that idea appeal to you?

MR. NANNING: Yeah. I agree with them, and whatever is good I will approve. I mean, they're just suggestions. Again I claim that it would be very difficult to deal with this topic.

MR. CHAIRMAN: Thank you.

Mr. Ady and then Mrs. Gagnon. Jack, I think you need to take the microphone.

MR. ADY: If I understood you correctly, you indicated that all Canadians should vote on any separation. I guess I'm not clear on the process that you would advocate there. Although all Canadians might vote and all vote for Quebec to stay, that would still have no influence on whether Quebec stayed or not. They would still have the power to leave. I can't see the use of all Canadians voting on that issue.

MR. NANNING: If all people in Quebec vote to stay in this Canada, then it will stay. If half of Montreal votes for opting out and the other half votes for staying in, the part that wants to stay in stays in. We have a country of people. Our ancestors here came to better themselves. Nobody came here with a special intention of swearing alliance to a territory, to a power. This is in principle a country of people, and it is the people who should govern.

MR. CHAIRMAN: Okay. Thank you.

Mrs. Gagnon.

MRS. GAGNON: Thank you, Mr. Nanning, for your presentation. I'm curious about your references to referenda. You indicated that referenda should be used in a number of instances. Could you expand on that a bit? Did you ever think of the cost of frequent referendums across the country, and what numbers would be necessary for something to pass?

MR. NANNING: I have given that thought and of course money is very important. On the other hand, it is my experience that you can pick up a phone and dial a 1-800 number and talk to any outfit in the east and you can talk as long . . . Some of these outfits are private enterprises. Certainly for my government the technology is there. It is not set up for this really. Canada is a progressive country; Canada compared with other countries is reasonably rich. I think it would be terrific if we make this forward step in democracy. I think it is possible technically and financially.

MRS. GAGNON: For one supplementary, please: what issues would you say warrant a referendum?

MR. NANNING: Now, there are millions, and of course we cannot all be there, but if some task force will be sent, at some point they will ask for public opinion. This is here only an initial step to get something going, I understand. Something more will happen. I, myself, find that it's absolutely our right that we can vote on an aggressive war. That is absolutely our business and not decided by anybody in the government or in parliament. I find that, for example, the free trade situation should have been voted on by a plebiscite. So many people are hurt. Maybe it would have been different, and so on. I mean, I make a few suggestions, and some of them aren't possible. Many more are possible though.

MRS. GAGNON: Thank you.

MR. CHAIRMAN: Well, thank you very much. I had just one question, and I think it relates to the issue of education. You did mention education relative to perhaps having a more diverse educational system, if I caught you quite right. Am I right about that?

MR. NANNING: I would like to see that anybody who studies law in Alberta and is in second year can transfer to McGill University, for example, and continue there. I think, particularly in the sciences, after the bachelor degrees, each university should be versatile and teach whatever they are strongest. At the moment bachelor degrees all over the country are more or less similar, and it doesn't matter too much from what university you come from, as in relationship to knowledge, but it does mean a relationship to possible discrimination and not to possible knowledge.

MR. CHAIRMAN: That's very good. Thank you very much. Are there any other questions? Well, if not, I want to thank you very much. You're the first person to make a presentation to the select committee here in Edmonton, and I want to thank you for coming forward and sharing your views with us.

MR. NANNING: Thank you, and I hope that this will find a use.

MR. McINNIS: Mr. Nanning, can you leave a copy with the secretary for . . .

MR. CHAIRMAN: The secretary will make a copy of this brief.

MR. POCOCK: Mr. Chairman, members of the committee, the next presenter this afternoon is Larry McIlroy.

3:18

MR. McILROY: Thank you. Can I be heard?

Mr. Chairman, members of the committee, ladies, and gentlemen, my name is Larry McIlroy. I submitted a written brief to you two weeks ago. May I, therefore, take that brief as heard?

MR. CHAIRMAN: Yes.

MR. McILROY: May I ask your indulgence to briefly summarize a few remarks regarding that brief before any questions?

MR. CHAIRMAN: Certainly, Mr. McIlroy, and that's exactly what we hope people like yourself will do. That will really help us in terms of getting a dialogue going. Thank you very much.

MR. McILROY: Thank you. I'll try to keep the curse words out of it.

MR. CHAIRMAN: Well, I hope we all will.

MR. McILROY: I have worked in possibly five elections in this country: provincial, civil, and federal. I've spent a great deal of time knocking on doors and canvassing. I expect always to find some dissatisfaction. I expect always to find some dissatisfaction, usually on a single issue. However, I've found now when you talk to people it's completely different. The level of dissatisfaction goes much deeper and much broader. It's very bitter. There's a feeling of being betrayed, a feeling of never being listened to, and most disappointing, a feeling of being helpless, unable to effect any change, unable to improve. In my opinion, taken for what it is, this probably started with Meech Lake when the elected representatives of this province and most others and federal decided for some reason to, in the voters' opinions, give a special status to Quebec. The people of this Canada of ours are not difficult to understand. They basically do understand what is fair, what is just, and what is equal. The people of Canada did not back the politicians' stance on Meech Lake, because they considered it was unequal treatment, one province being more equal than the rest. I believe that started it.

I believe a second part of the bitterness and hopeless feeling comes from the state of the economy, the fact that it could be predicted a long time ago, the fact that we have no resources left to fight the recession. If I may paraphrase William Jennings Bryan, in effect, you politicians have hung us on a cross of high interest, taxes, and government spending. Our response, quite frankly, from the people I've talked to, was that our only real response is to shop in the United States, because that is the only way that we can, in effect, obtain food and other necessities at a reasonable cost. We also have noticed no effort to make any changes in our economic position or our debt structure.

It also stems from the legal system. Perhaps one of you around here, who are much more learned than I, would like to explain to me or to other groups why Mr. Ng has more rights in this country than I do. Perhaps you would also like to explain why nothing has been done to change this situation which has been going on for five years. I really don't expect an answer.

A good deal of dissatisfaction is being expressed about immigration. We seem to have a habit of rewarding people who cheat the system. I guess the last example is the almost red-carpet treatment extended to the right-hand man of Saddam Hussein. What do we do next? Do we fight Qaddafi and Arafat? Out of this rather blatant pulling into our bases something that we do not want, no one has been fired, no one has been reprimanded for it. Your government is saying something.

The use of our money. Every time you send money to anybody, it isn't yours; it's ours. The latest example of that was the women's conference in Banff. One of the main items seemed to be someone citing a poem regarding clitoral colonialism, which results in a number of remarks of "racist." The speaker and members advocated murder. No action. No stopping any of these groups from receiving more money. I don't think very many voters are very happy with that.

Equality under law. Ladies and gentlemen, if I were to stand before you and make exactly the same comments that were made in that conference, there would be a lineup of solicitor generals, ministers of justice wishing to charge me with spreading hatred. Why is it that the law only applies one way?

There also were expressed considerable remarks on the attitudes of politicians and bureaucrats, and believe me, this applies to each and every party, provincial and federal. It seems that once one is elected to an office, provincially or federally, in this country, they seem to believe that they now rule by a form of divine guidance: "We know what's best for you. If you don't like it, we will pass a law." I believe that I now understand why so many of our public buildings have reflecting pools in front of them: so that the people working there can practise walking on water.

I really don't want to beat on your heads, although I must admit it would be enjoyable. I really want to very seriously say that I think all of you underestimate very much the feeling of bitterness, betrayal, helplessness, and anger that exists out in the paying, voting public. As a matter of fact – maybe a little hint from an old man – with elections coming up, I would recommend to all of you: don't quit your day job.

Thank you.

MR. CHAIRMAN: Thank you, Mr. McIlroy. I appreciate your expressions of frustration, and believe me all of us as politicians have heard those. Could I just ask you, though, to tell us if you think Canada as a country is worth saving, and if so, how do we go about it?

MR. McILROY: There is no question whatever it's worth saving; that is a given. You're going to have to go about it by making some rather difficult changes for politicians. You're going to have to understand that divine guidance is not working. You will have to give up some of your power. I understand how difficult this is for politicians to do. The game of most politicians is to acquire and obtain power. It is going to have to be given up to the people, to the public, and probably through a form of referendum.

I do not believe and I don't think most people do that a referendum should be called on everything or called freely, only on items very major in importance. Referendums are not a way to run a country; they are a way for the Canadian people to at least believe that they have obtained some power.

3:28

MR. McINNIS: The idea of taking power away from politicians it seems to me is what the Charter of Rights and Freedoms is about. It's a part of our Constitution that says no one in government can take away certain rights and freedoms and you have the protection of the courts to do that. What do you think of the idea of extending the Charter into other areas as a means of removing arbitrary authority from government? Let me just give you one example. Some people have suggested a clause that would protect some elements of our natural environment from being given away or sold or whatever by way of government permit.

MR. McILROY: With all due respect, sir, I don't think very much of it. Our Constitution and our Bill of Rights are already complex enough. We're already asking for every group possible to be mentioned. Women's groups want special mention, native people want special mention, multicultural groups want special mention: everybody wants a special mention. You cannot build a Constitution if you make everybody special, and if you mention one group, you have to mention another one. If you create one group more equal than the others, all you're doing is making everyone less equal. That is not the foundation to build a country.

MR. McINNIS: Well, it seems to me the Constitution gives and takes away powers. If you don't do the limitation through the Charter in the Constitution, what is the means for limiting the authority of politicians?

MR. McILROY: Well, you do it through certain parts of the Constitution, and I laid a few bits of it out in my submission. What I'm talking about in transfer of power is more that we say that the public wants control on spending; it's our money. If you don't spend it the way we want or if you decide that you are going to overspend what we think you should, then you're going to have to come and ask us for more. That is a main power for the public. It is a main power that I think that public could effectively use and utilize, not a minor one.

MR. CHAIRMAN: Thank you very much. I have Mr. Rostad and then Mr. Bradley.

Oh, I'm sorry. Ms Barrett.

MS BARRETT: My question is really straightforward. You talk about the need for referenda and understanding that you can't govern by a referenda either, you can't govern by proposition, as was attempted in California. What do you think about a method of suggesting that a certain percentage of the population, upon signing a petition calling for a referendum on a subject, would force that jurisdiction, whether it's municipal, provincial, or federal, to conduct it? Is that the sort of thing you're getting at?

MR. McILROY: No, it's not. I am familiar with what you're talking about: to write a referendum initiative and recall. It's been talked of for years. But there is one thing wrong with that. Any time you establish something new, such as a referendum, I would recommend that you do it cautiously and carefully at first. Do not spread it too far. Limit it at the first for simple things. The amendment of a Constitution: Canadians do understand that. Financial restraints: Canadians do understand those. Take a few simple items. Don't make it widespread to start. Every time we do something, we do it, and we kind of seem to pick the worst options.

MS BARRETT: So what you're really saying, though, then, is that it would be up to the politicians again to decide.

MR. McILROY: No; I'm saying that there would be a change in the Constitution requiring two types of referendum.

MS BARRETT: Oh, I see. Yeah, okay. I got it.

MR. McILROY: One on financing and one on the Constitution. There's an option for both Houses to bring in a referendum if you choose.

MR. CHAIRMAN: Ken Rostad, Fred Bradley.

MR. ROSTAD: Thank you, Mr. Chairman. Mr. McIlroy, could you perhaps expand on the submission you made on aboriginals? You want to give them provincial status. I'd like to know a little more about that as to what laws they would be subjected to, and then also in terms of your native justice, are you thinking there that they would be subjected to the Supreme Court or the Charter of Rights?

MR. McILROY: I understand your question, and I don't know. It's virtually impossible to put an answer on that. The best I can do here, and I think the best you can expect me to do, is to state what I think are some rather simple principles. If we get into details or I try to explain details and you ask about it, it would then be somewhat similar to someone who watched the Wright Brothers make their first flight at Kitty Hawk, and when asked about it responded, "Well, it seems pretty good to me, but I'm going to want details on a frequent flyer plan." I don't think we should do that.

My statement I made was basically a simple one, or a simple one in principle. We have no idea, none of us here, what to do about the natives in this country. We have tried. We have negotiated; we've gone through legal bits; we've gone through I don't know how many commissions. We have never come up with an answer. The only one we've ever looked seriously at is to let the natives govern themselves. I've outlined what is probably a very flawed method of doing it, but it's at least a suggestion to look at.

When everything else fails, when we cannot think of anything, let's at least take somebody else's idea; it may work.

MR. CHAIRMAN: Thanks very much.
Fred Bradley.

MR. BRADLEY: Thank you, Mr. Chairman. I was going to ask about aboriginal rights, but I'll shift gears into the area of bilingualism, which you mentioned in your brief, that bilingualism should be discontinued. There are some in the country who are suggesting that language policy should be a responsibility of the provinces. What is your view on that?

MR. McILROY: My view is that it is a responsibility of the provinces.

MR. BRADLEY: Thank you.

MR. CHAIRMAN: Okay. Thank you very much. I just have a couple of quick questions. You mentioned the Charter of Rights in part of your discussion. Do you think, generally speaking, that the Charter of Rights has been beneficial for Canadians since it was instituted in 1982?

MR. McILROY: No, sir. I think it's been beneficial for the lawyers.

MR. CHAIRMAN: Well, there are a lot of lawyers like myself who'd agree with you, although I am not practising law anymore. That's a very interesting comment.

MR. McILROY: No, I don't know of any benefits that have been retained whether it's this Charter or indeed under the previous one.

MR. CHAIRMAN: Okay. Generally speaking, you're obviously very familiar with the Constitution. There is a division of responsibilities now. Are you satisfied with that division of responsibilities?

MR. McILROY: No. You're talking powers for the provinces?

MR. CHAIRMAN: Yes. Sections 91, 92, 93, and so on.

MR. McILROY: You sure are a lawyer. You succeeded in losing me very quickly.

MR. CHAIRMAN: Okay. I'm sorry. Section 91 lays out what the responsibilities are of the federal government, 92 lays out the province's, 93 says that education is the responsibility of the provinces, and 95 says that immigration and agriculture are shared. So are you generally satisfied with that division?

MR. McILROY: No, I'm not. I have recommended that powers for health, language, and culture become the exclusive domain of the provinces, that the shared powers should be native affairs, immigration, fisheries, justice, and environment. Everything else remains the same.

MR. CHAIRMAN: Good. Well, thank you very much. That's helpful for us to know.

Thank you very much, Mr. McIlroy, for coming forward and giving us some provocative thoughts, and we are listening, believe me.

MR. McILROY: I think you are. Thank you.

MR. CHAIRMAN: Thank you very much.

MR. POCOCK: Members of the committee, the next presenter is Dr. Frederick Marshall.

MR. CHAIRMAN: Welcome, Dr. Marshall. Good to see you again.

DR. MARSHALL: Thank you. I'll just get into my mess of papers here.

First, Mr. Chairman and members of the special select committee, I'd like to thank you for giving me this opportunity to speak on my brief, and I hope you've had an opportunity to read it. I consider it an honour to be able to be here, and I hope you find the work of this committee educational, and the hearings that you're conducting, I hope you find them edifying and perhaps even exciting.

I'm a practising surgeon who about 10 or 12 years ago decided, as my country's government had gotten so badly out of tune with the people of Canada, that I should make a genuine effort to try and rectify that, not by myself but with the help of some of my friends. After about two years I realized that the only hope for really making significant changes, in my mind, was that western Canada should form a new country with a new Constitution. Here we are talking about the Constitution now.

3:38

I joined a western separatist party, and since then I've worked for that cause and for those reasons. I've run in two provincial elections. I've run in a federal by-election. I've run in a federal general election. Somehow I never won an election. Practical as my prescription was, I guess western Canadians were just not ready for my medicine. In the process, though, I learned a lot about Canada. I learned a lot about Canadians, and I learned a lot about myself. My brief is presented from that perspective. I certainly appreciated the comments of the previous two presenters, and I agree with many of the things they say. My brief is really of a more general nature, and I think it can be summarized with these statements.

The first thing I believe is that Quebec and Canada are fundamentally incompatible – that's at the bottom of many of our problems – and that the people of both Canada and Quebec are beginning to realize this. Second, proof of Canadians understanding this problem can be found in the way that people are leaving Quebec. Anglophone Canadians are leaving Quebec.

The type of government in Quebec, I found out, is causing other people to leave Quebec too.

This little article from a medical newspaper I get talks about the exodus of physicians from Quebec. So with my axe to grind, I read this quickly to see if they were talking about Anglophones. They weren't; they were talking about Quebeckers who can't put up with the kind of government that they have in Quebec. Marc-Yvan Côté is the minister of health, and he has brought in a piece of legislation that is so odious and so compelling on the doctors there that many Quebeckers, Francophones, are leaving Quebec. The polls that we read in the newspaper every day – particularly sequential polls where one poll is given this year and then it's given again next year and then given again so that we can get an idea of the evolution of opinion – are telling us that Canadians, for instance, are unwilling to make any further concessions to Quebec. They disagree that Quebec should be treated in any special way; it should just be another province. Also, the polls tell us that Quebeckers want to leave. So I think they appreciate perhaps better than the rest of us that the two parts of this country are incompatible.

Third – and the previous two speakers I think bear this out, to me anyway – Canadians are dissatisfied with this Constitution that's been foisted on us. We had no say about that Constitution, and we realize it must be changed in major ways.

Fourth, we don't trust our politicians to guide us in this matter anymore, and the depth of this distrust has been expressed by Spicer's citizens' forum. He had a news conference a month or so ago. He made some preliminary statements about the information they were getting from their special lines, and to my amazement, one of the things that he said was: we don't like the way we're governed; we don't like our Constitution, and we don't trust our politicians to manage the change that's necessary.

So I think that's the reason there's so much interest in a constitutional convention at some time with people elected to that convention to do just that, nothing else. If a politician wants to run to be a member of that constitutional convention, fine, but that's sort of the Canadian way of solving this problem. Finally, I think we're moving to a position where the people are starting to demand to have control over the changes that occur and hence all of the discussion of referendum and hence, I believe, the interest in the Reform Party.

I believe the evidence in my brief – wherever it is here – supports these statements. I think we can go way back to Lord Durham who said that unless Quebec, Lower Canada, was dealt with as an English-speaking province with English institutions, there was going to continue to be trouble, and there has been.

The prevailing mood in Canada is one of . . . I've forgotten what Mr. McIlroy said; it wasn't disillusion, but I think that's the prevailing mood. Canadians are disillusioned about bilingualism; they're disillusioned about the political process, about the cost of government, about multiculturalism, disillusioned about politicians themselves, about the process, on and on. We're a disillusioned bunch, I guess.

The latest finding had to do with the GST. When the manufacturers' sales tax was abandoned in favour of the GST, we were told that we'd have big savings in manufactured items, that the tax would drop from 13 to 7 percent. We now find out that the big savings are on paper clips. That tends to confirm our cynicism.

My suggestions are two, and they mirror and repeat what was said earlier. At one time on the books in Alberta we had a referendum Act, and I mentioned that in my brief. It never got to third reading. I think Alberta should have a referendum Act. The second thing is that we should have a constitutional convention. Now, Alberta has been the leader in doing something active about our Constitution, and Senator Stan Waters is the example. I mean, we're able to get in there and change things, and we really did it there. Then why not set up a constitutional convention and do it the way we think Canada should do it and have them write a Constitution that we think is a proper Constitution. What I consider a proper Constitution will be distributed later. Alberta could do that. I hope when you come to make your final recommendations to the Legislature that you consider putting those types of things into your report.

Thank you again.

MR. CHAIRMAN: Thank you, Dr. Marshall. Well, if it's any consolation to you, I lost a couple of elections before I won too, and there are a few other people around who have done that.

DR. MARSHALL: I guess I'm just a quitter.

MR. CHAIRMAN: In any event, we appreciate your, we know, strongly held views.

Fred Bradley, then Gary Severtson, John McInnis.

MR. BRADLEY: Dr. Marshall, thank you for your presentation. The tenet of it seems to be that Canada and Quebec should go their separate ways. Moving from that premise then – obviously Canada would not be the same – do you think that western Canadians would feel any more comfortable in a Canada that was dominated economically and politically in terms of strength by Ontario? What would you suggest in this new Canada the approach would be with regards to constitutional development and the division of powers and the institutions of the country?

DR. MARSHALL: I've spent the last 10 years thinking in terms of western independence, but suddenly if Quebec leaves, then our Constitution is up for renegotiation. Everybody here knows the things that Albertans resent in our present Constitution: a Supreme Court that is run by central Canada; we have no political power to speak up, because of the party system, because we have an ineffective Senate. Albertans have tried to so something about that, but I mean if we can rewrite the Constitution, then I don't think we need to fear the power that Ontario has had over us up till now. We also know that the drift of population is toward the west. It's certainly happening right now, because Ontario is in a recession, and that is probably going to continue, as it did in the United States to California. So I think if the Constitution is made politically just, then I think the rest will follow.

I think Canada is worth saving. In fact, I think one of the reasons Canada has been in such a mess is because we spent all of this time not looking outside the country and placing ourselves in the world as an important country; we spent it internally digesting all of these problems we have.

3:48

MR. BRADLEY: Well, you say Canada is worth saving. Does that include Quebec? Because when I look at Canada, I think of Canada as whole nation from sea to sea. Does your vision of saving Canada include Quebec?

DR. MARSHALL: It doesn't really include Quebec.

MR. BRADLEY: So then you're not saving Canada; you're saving something other than Canada.

DR. MARSHALL: That's right. I think that what we have is going to either split up into a whole bunch of pieces or it can be saved, and I'm not talking about Quebec. I think Quebec is gone. I mean, Lise Bissonnette has said that. They haven't really been interested in Canada for decades, and we must start to realize that. They've been interested in milking us for as much as they could, but they have not been interested in Canada as such.

MR. BRADLEY: Well, I guess my only premise would be that you can't talk about saving Canada; you're talking about creating something different.

DR. MARSHALL: Yes. I think this is a matter of terms. I mean, when I say Canada, I don't include Quebec.

MR. CHAIRMAN: Okay.
Gary Severtson, then John McInnis.

MR. SEVERTSON: Thank you, Mr. Chairman. Dr. Marshall, you mentioned that the Constitution you felt needed major changes and one way to do that would be through an elected constitutional convention. How do you perceive that would take place? Would it be strictly by population, or would every province have equal presentation? How would you envision that?

DR. MARSHALL: Well, we have many examples of this. We know how Australia did it. We know how the United States did it originally and produced a very durable Constitution. I, basically, would probably agree with what Mr. McIlroy said. I think we would have to have equal numbers from each province, but if they have a new nation in mind, then they will be thinking in those terms: preserving the rights of the area they come from. But it would be much more like a Senate than it would be like a House of Representatives or a Parliament of sorts.

MR. SEVERTSON: Can you envision a province of Quebec or Ontario that have a vast, large number of population compared to the other provinces agreeing to an elected convention on the Constitution and each province having equal representation?

DR. MARSHALL: Well, then Ontario, don't come; don't come to this conference that's going to set up this new country, you know. Ontario will be there. I mean, the examples still exist: Rhode Island had a committee of six members in Philadelphia, and New York had six. I mean, that's the best way to make sure that the thing is just, because if the provinces with the large populations have power at that constitutional convention, you can bet yourself we're going to end up with another Senate like the one we have now. So it just won't work. I mean, the whole thing will fall part.

MR. SEVERTSON: Thank you.

MR. CHAIRMAN: Thank you very much.
John McInnis.

MR. McINNIS: Thanks, Mr. Chairman. Any citizen who gets beyond complaining about things is drawn into the political system, political action, and if you win an election, I guess they call you a politician all of a sudden. Maybe if you run a few times, they call you that as well. But you mentioned the Reform Party in your opening remarks, a very successful group of politicians. I wonder: do you see the Reform Party as being a vehicle for delivering an independent western nation?

DR. MARSHALL: Certainly I know that many western nationalists are in the Reform Party. I know that many them were quite disappointed that the Reform Party decided to run candidates in Ontario, because they've seen before what happens when Ontario, with its population, gets control of the party. Progressives became the Progressive Conservatives. Social Credit went to Quebec and the CCF. So we know what happens; it's happened before. If that happens, then I think the Reform Party might split and a western group might form. It's hard to predict. The danger is certainly there, and I know Preston Manning appreciates that danger.

MR. CHAIRMAN: Just a couple of quick questions; I think I'll ask these. In the current division of responsibilities between the federal order of government and the provinces, with which you're familiar, are you generally satisfied with that division of responsibilities?

DR. MARSHALL: Yes, I think I basically am. I don't believe that culture should be the federal government's area. I think that culture really basically should be the responsibility of the people, and it's better if government sort of stays out of that altogether. It's gotten us into some terrible problems, the problems of multiculturalism and it arose out of bilingualism. I think the people should decide those things themselves.

MR. CHAIRMAN: Do you regard the Charter as being a positive addition to the Constitution of 1982?

DR. MARSHALL: I can think of only one good thing about the Charter and that is that it got people talking about the matter, and it got people thinking about the matter. I think the marvelous thing about Trudeau in the last decade or so is that Canadians are tuned into things much, much better than they ever were before. That might be the one benefit of Meech Lake, too, but Meech Lake also showed how little power we actually had. I mean, the federal government damn near put this thing over on us, and we came just within a hair of having the Meech Lake accord law. I think that has really tuned people out. That's what I think about the Charter.

MR. CHAIRMAN: Okay. Well, thank you very much, Dr. Marshall. We'll be hearing lots of other people, and I'm looking forward to that. Thank you for your contribution today.

MR. POCOCK: Mr. Chairman, members of the committee, the next presenter this afternoon is Mr. Lew Andrew.

MR. CHAIRMAN: Welcome, Mr. Andrew.

MR. ANDREW: Mr. Chairman, ladies, and gentlemen, before I start, there's a couple of little things I'd like to say while they're in my mind because of things that the last speakers have stated.

MR. CHAIRMAN: Sure.

MR. ANDREW: One was that when I went to school, which wasn't very long, only about five years, the teacher told me that anyone that stood for election to a Legislature or for Member of Parliament stood to serve the people. I believe that as evolution has taken place since that time, that statement would no longer be true. It has come more to a case that the people have been looking for power. Once they get that power, they stand on those people who elected them and no longer listen to them. I just want to say that because of what . . .

Okay. Through the last few weeks I've talked to many people seeking answers to questions that I proposed to them. This is what I deem as what my acquaintances have said. Please allow me to present this picture, then I will qualify some of the statements rather than listen to boos when you feel a statement is one of racist nature. I have had long talks with about 17 people who came to this country in the past 45 years from all over the globe, including Quebec. We want our federal government to have certain powers in these areas: defence of all territory claimed by Canada; customs and tariffs; currency and common debt equalization; unemployment insurance programs; native affairs until they achieve self-government; foreign policy; fisheries – there are no fish quotas for foreign countries; Canada Post, not privatized;all forms of telecommunications and communications; final say in all environmental issues before start-up of projects; taxation and revenues; justice, which must be revamped; education must be standardized; transportation; language: English only.

3:58

Now, in the area where there must be some shared duties with federal and provincial governments, these would be: immigration and manpower, financial institutions, income security and public security, research and development, industry and commerce, environment, energy, regional development, agriculture, health care – for which Canada needs a master plan – shelter and housing, recreation and sports including amateur sports, family policy, and social affairs. Natural resources: stop giving away our birthright to foreign conglomerates. Tourism: there must be some way to co-ordinate better ideas with co-operation with other regions. Human rights: note that there are no longer any human rights for any Caucasians born in Canada. Municipal affairs. Impeachment clauses for all levels of government: municipal, provincial, and federal. We believe that if complete impeachment clauses are not implemented at all levels very soon, there will be only one alternative, and that is assassinations. This could result if the process was too unworkable to achieve.

The next topic is the Senate. I believe in the abolition of the Senate entirely because it serves no purpose. However, a so-called triple E Senate with no less than one nor more than two elected from each province and the two territories could be acceptable to most people.

Ontario has become too large and should be divided in two. The new province could be called whatever.

Freedom of information must be mandatory across Canada. No government should have numbered companies to hide the truth from the people.

Our justice system has to make changes so that we the public do not have to pay for court cases to protect aliens from being deported to any country which provides evidence that that person should stand trial in that country. If this is to be done, it must be from private donations or free time donated by lawyers and judges who listen to such arguments, retrials, and appeals. No public money should be used. Do we have the right to say to other countries that they have an improper justice system? That's exactly what we're doing when we won't allow people like this Ng to go to the States. Deport all immigrants who are convicted of a major crime like murder, rape, manslaughter, fraud, embezzlement, robbery, trafficking in any form, and gang activities such as extortion, et cetera.

We're constantly told that this country is controlled by the marketplace. Business and government give this statement to answer every complaint. We accept this to be true and demand that laws be put in place to stop all subsidies and concessions at all levels of government, because this is interfering with that true marketplace. It seems that industry and the friends of government are blackmailing the taxpayers and demanding these payoffs. When they get the money, they continue with their preplanned bankruptcies and then skip out, and we pay for it.

We all want Canada as a whole country, not divided by the pullout of Quebec; however, if we are to bargain with these radicals, we must make our demands first and then see them ask to negotiate or be included as one province in this dominion. Whereas Quebec did not sign our Constitution, all Quebec members of Parliament and the Senate must be forced to stand down immediately. They do not legally have the right to take part in our Parliament. I also ask: how did Quebec get 75 seats when the BNA allowed them 65 seats for all time, and the rest of Canada would have to regulate parliamentary seats in accordance with population?

Quebec has shown no loyalty to Canada. In the wars of 1812, the Boer War, 1914, 1939, and 1952 Quebec refused to share responsibility, even when two of those wars were to liberate their homeland, France. I ask: should we have pampered them for 124 years when they keep up on the demands to us? Then when they were given control of the army last year, they used them against the people who fought for Canada and whose crime was to ask to be treated as equal in a country in which they were here first.

Quebec says they have 18 percent of the government resources, and so they would only be required to assume 18 percent of the national debt of some $300 million to $400 million. We say that each of the provinces and territories should have had 8.34 percent of the federal government resources, but with Quebec having 18 percent, that leaves 82 percent divided by the other 11 regions, giving an average of 7.4 percent per region. Quebec seems to have 9.6 percent more of federal government buildings and assets, which translates into their share of the debt really being 34.6 percent of the total national deficit when calculated with the population figures. If Quebec is to see reason, we must demand that they cannot use our monetary setup, with us printing money and coin and supplying it to them free of charge. A price must be set that would include a fair profit after cost.

We also question the portion of land that was added to Quebec in the early 1900s. Should that revert to Canada, maybe Newfoundland? If Quebec's power is responsible to the Newfoundland people and First Nations people who were resettled from flooding of the Churchill Falls development, could Canada because of the great environmental disruptions be able to stop the development of the now proposed Great Whale River development? That could cause a bigger disaster than the burning of the rain forests around the world. We think that there should be answers to this from scientists from other parts of the world who care about world environmental conditions, and they don't trust governments who publicly discredit scientists who have presented facts that are not consistent with what political people want them to say.

Laws would change so there can be no patronage appointments to any government, agency, or department of any kind. Such positions must be filled with people who can prove expertise in the particular endeavour and must be properly advertised and filled from those applicants who apply and are qualified. No portfolio, provincial, federal, or municipal, could be given unless elected representatives are qualified; i.e., diplomatic posts must have a university diploma in that field, and so on.

We feel that if the federal powers are eroded to appease Quebec and if she still leaves, then our federal government would become as redundant as this Senate is, just to command the military and the central Bank. It'd be ridiculous, I think. Just look back in your history of the great Ottoman Empire as it split up and how each and every region became countries who have been at war with one another many times since. Do we want our neighbouring provinces at war? I don't.

We also feel that no Canadian should qualify and become a police officer at any level unless they are Canadian born. Further, there must be strict rules for some ethnic people to be allowed into Canada and strict quotas. The reasons are obvious: the bombing of the Air-India plane, bombs on a plane to Japan, their disregard for life in India, and the constant killings.

4:08

Political scientist Leon Dion stated a few months back that English Canada will not give in to Quebec's demands unless there is a knife at its throat. Well, Lew Andrew says that we have a much larger knife and must let them know that we have it and will use it.

Canadians do not want Mulroney to act for them in constitutional negotiations with Quebec. Most people whom I have talked to feel that Clyde Wells, McKenna, and Filmon would be their first pick for a committee to deal with Quebec. The Premiers of New Brunswick, Manitoba, and Newfoundland we felt were men of integrity, a team who could be trusted to try to hold this country together and would understand that too much power for provinces would lead to a number of provincial dictators. That is not the Canada that I wish to see.

Thank you.

MR. CHAIRMAN: Thank you, Mr. Andrew. Any questions from members of the panel? We've had a fairly lengthy presentation, Mr. Andrew. You've gone through a number of issues, and since you just supplied us with your brief, we had not had an opportunity of reviewing it in advance, but we will certainly take it under consideration.

MR. ROSTAD: Mr. Andrew, I just noticed in your brief you're saying that federal government should have certain powers and then the rest should be shared with the federal government and the provinces. Do you not see the province having any powers unique to itself?

MR. ANDREW: The thing that I found in talking to people . . . As I put this together I found that the people weren't leaving anything left for the provincial powers. I looked at this, and even after I wrote it up, I looked at it and questioned this myself. I said to myself: well, what are we saying? I still don't know what we're really saying. Are we saying that people have lost faith? I don't know. I am thinking in terms more that maybe we're saying that we need the provincial Legislature to be closer to the people and assist in governing Canada so that they would share a role with the federal government and do it in a little different format. I'm guessing at that. I'm not an educated person. I know that fact is there, but I had to put it the way I see it.

MR. CHAIRMAN: Thank you very much, Mr. Andrew. We're running just a little bit behind time, so we'll move on to our next presenter. Thank you for coming.

MR. ANDREW: Okay. Thank you.

MR. POCOCK: I would like to ask Susan Jackel to come forward and make a presentation.

DR. JACKEL: I apologize for not having had this presentation in its full form available for you before. I outlined it very briefly in a one-page request for this opportunity to present to you, and I found in writing it up that it expanded and expanded, so you will have an opportunity to consider it at your leisure later. I'll just speak to it and probably not read very much of it.

I'll say briefly that I'm an associate professor of Canadian studies at the University of Alberta. In this profession I am doing what I love doing and what reflects a life-long interest in Canada and in Canadians and in the way we get along or sometimes don't get along with one another. It's my great joy to teach students about Canada. However, one of the points I'm making in this brief is that I've discovered over the years that many of the students who come to us at the university don't know much about Canada. So this prompts reflections on our educational system and on the ways in which we could perhaps make this better and better for foundations of Canada in terms of what people know about the country and how they relate to it and how they see themselves as citizens of this country.

Part of the brief is thinking about those problems and, in particular, recommending that insofar as it is possible for a commission of this kind to do so, there be some thought given to looking again at the exclusive jurisdiction over education that is allocated to the provinces, encouraging the provinces to think about some kind of federal/provincial commission, especially to look at secondary and postsecondary education. I think education in the elementary level up to about grade 7 is appropriately still within the provincial jurisdiction. But I think we're in a changing global economy. We have to think very hard about the foundations we are giving our citizens for their exercise of citizenship but also their ability to participate productively in a new economic order. I think now we're at the point where we have to have postsecondary education definitely as a joint federal/provincial responsibility and conceivably some kind of federal/provincial co-operation looking at the curriculum at the high school level as well. That's one concern I have and one specific recommendation I make to this commission.

On some of the larger issues – and I know there are very many. I read with great interest the discussion paper that was given to everyone. There are so many questions that it's very difficult to think about how to encompass them all in one place. I know that in teaching Canadian studies, I'm often asked, as has been asked already this afternoon: does this include Quebec if you're talking about Canadian studies? Well, yes, it has so far. I would like it to continue to involve Quebec. My idea of Canada and Canadian is from sea to sea to sea and involving historically all the peoples of this country.

At the same time I agree with an increasing number of commentators who say that we've had a long experiment, over 20 years now, with official bilingualism enacted by the federal government, that we've had enough time now to look at the successes and failures of this policy, and I think it's time to look at it. I'm not saying that it's been a failure overall or it's been a success overall. I think it's time to look at it critically and see what parts of it need to be retained and what parts can be scaled back.

Another point I make in the brief has to do with the process. As many people observed about the Meech Lake discussions, groups have come forward who complained that they were not sufficiently involved in an early enough stage in those discussions. I compliment this province and this government in having hearings such as this. I know at the time of the Meech Lake debates that I regretted that similar all-party hearings were not held to involve people of the province. So part of my brief is simply saying: the people of Canada are interested in their Constitution; they want to be heard. It's very difficult to think about how you can frame a Constitution specifically to address every single social group. I'm not advocating that; I am saying that I do think we should constitutionalize public hearings like this one.

Beyond that I have views, I suppose, on many of the other things that are being floated around: referenda, constituent assembly, those kinds of things. I'm not a constitutional expert, but I do listen to my colleagues and my students about these things.

I think I'll leave it at that and leave you to look at the full presentation.

MR. CHAIRMAN: Thank you.

Jack Ady, first. You need your mike, Jack.

4:18

MR. ADY: Thank you. You suggest that there should be more effort put into involving people in the political process and specifically cite the cases of Meech Lake where there was not a lot of public involvement. I guess I have to ask the question: how do we really accomplish that? I know that in my particular case, I endeavoured to involve the people of my constituency in that process, tried very hard: held public meetings, advertised them, spent money to do it, and after several meetings, I had talked to a little over a hundred people out of 20,000. I'd done all that I could do to involve them. Then sometime later, after certain events took place in Quebec, everyone was interested. We weren't able to interest them as politicians from a political perspective; it took an event to do it, and they very quickly formed opinions. So my question back to you is: how do we do this? We look today; we don't have a lot of people here today to these hearings in an effort to involve people.

DR. JACKEL: Well, I made one of my suggestions and only half facetiously; I actually mean it quite seriously. I think it would help if we didn't hold hearings in the Hilton hotel. I think it would help if we held them in community leagues and in factory lunchrooms and in places where people live and work. I think it's very difficult for people to feel relaxed and as if they're on their own terrain. I know that when you go to rural areas, I think you'll find people feeling better and speaking more in those kinds of situations.

Beyond that, I do put a lot of responsibility at the steps of the federal government when the Meech Lake accord was introduced and a statement was made that there would be no changes except for egregious errors. In other words, there was not an invitation held out to the Canadian people at that time that they should be interested or could have anything to say. They were told from the beginning that they could have nothing to say. So I think we've learned a lesson from that and that hereafter constitutional proposals will go through the kind of process that it's going through now.

As for having more people out to these meetings, I know it takes a lot to get things going. For one thing, I was a little distressed that these meetings were being held on a relatively short time frame. I know how long it takes groups, especially large groups who are serious about their own consultation of their own members, to get a discussion paper out, discuss it among themselves, decide what they want to say, and then come. You can't in six weeks.

MR. CHAIRMAN: Let me just jump in on that issue. We are making it very clear. Of course, this process started back last August, and we held a series of discussions at that time. It was only one party, but then we put out a discussion paper, Alberta in a New Canada. Did you have an opportunity of reviewing that particular document?

DR. JACKEL: Yes.

MR. CHAIRMAN: Could you just give us a general comment on the nature of that document?

DR. JACKEL: I've not only read the document, I read all the transcripts of the consultations that you had that went into it. I think as a discussion paper, as a place to start, it's quite good. I think that I would have certain quibbles with this and that. I would say that maybe such and such a question . . . I think there are several points at which it very much reflects the historic position of this province on constitutional issues. The way the questions were framed, I recognized it as an Alberta discussion paper. It would never have come out of Ontario or Nova Scotia.

Be that as it may, I think that process is excellent, but I think then it has to go one stage more. There have to be town hall meetings of some kind held for people to come and even do the first stage of thinking and talking before they'll prepare briefs.

MR. CHAIRMAN: One of the points is that the committee is unanimous in agreeing that after this process, we are going to meet on June 6 and see how well this has done and whether or not it is necessary then to expand the process further to make sure there is that opportunity. I wanted you to know that.

DR. JACKEL: Well, I would very much encourage it.

MR. CHAIRMAN: Thank you. Well, we're learning as we go along in this process.

Yes, John McInnis.

MR. McINNIS: Just one quick question. My experience as a graduate student marking papers is that Canadians don't know very much about their country. I like your ideas about promoting learning. It seems to me that another way to learn is to travel the country and get to meet people. At one time the government made it easy for young people to travel with youth hostels and sometimes bus tours and things. Do you think there's anything in that as an idea of making us familiar? Say, at one year in a young person's life they would have [not recorded]

DR. JACKEL: The first thing I ask a class in September is: how many of you have traveled outside Alberta, outside Canada?

Surprising numbers have. This generation is a much better traveled one than my generation. I've also taken a whole group of Canadian study students to Nova Scotia under the Open House Canada program and then brought Nova Scotia students back. I mean, that episode in itself eliminated a whole lot of lies. So I'm all for travel.

MR. CHAIRMAN: Ken Rostad.

MR. ROSTAD: Thank you. I think I heard you say that postsecondary education you think should be a shared jurisdiction in the Constitution. Could you perhaps elaborate a bit on that? What mechanism would be used to establish whatever you think is deficient in our present system, and how might you address dispute resolution on something that's shared?

DR. JACKEL: Well, we were in Australia for a year, and I know that the Australia postsecondary system is under what they call a commonwealth commission of postsecondary education. It's a national – what we call federal – responsibility. I think that's going too far. I think it should be joint; I think it should be shared, just because we have this long tradition of provincial responsibility. It's simply that our needs for highly trained manpower, the complexity and the cost of these systems, are such that we're finding – for instance, Nova Scotia is thinking now about how better to avoid duplication in their system. I think the same thing has to go on nationwide.

MR. CHAIRMAN: Yes, Mrs. Gagnon.

MRS. GAGNON: Thank you very much. I would like to ask you in your role, being a person who's very interested in Canadian history and knows Canadian history, if you feel that some of the reaction against the Charter has a lot to do with the fact that groups are now being empowered who were never empowered before, that it is a change that is occurring, and that it is causing a sense of unease on those who formerly had all the power that now others have power.

DR. JACKEL: Yes; I think that's exactly the dynamic that's at work. There are what I call Charter Canadians now. There are two generations of Charter Canadians. That used to mean people of English or French extraction; now I think Charter Canadians reflects all those social groups who are newly empowered under the Charter. This is disconcerting for the previous holders of power, and I think there will be a period of a sense of displacement and unease over that. On balance, I think the Charter is a good thing. I agree it's created work for the lawyers. I mean, I'm one of many groups who feel that the Charter has been their shield and their bulwark in the face of discrimination, disadvantage, and so on. I'm a supporter.

MR. CHAIRMAN: Could I just throw this at you? I perhaps should tell you that the next person who was to appear has apparently decided not to.

DR. JACKEL: Well, that was my colleague Gratien Allaire. He phoned me to tell me this morning that he wasn't going to be able to and please convey his excuses for him.

MR. CHAIRMAN: Well, since you are involved in the university – and I don't expect you to answer for the university on this. It always strikes me as interesting – and I was Minister of Advanced Education at one time – that the universities train the teachers who go out into the elementary and secondary schools to teach the children, and yet when the children arrive at the university portals, the universities say, "Oh, these students aren't well trained enough in Canadian studies or history or whatever." Is this a chicken-and-egg situation, or how do we come to grips with that dilemma? It's something I've never really been able to get a clear answer on from anyone.

DR. JACKEL: Well, I think there are answers, and there are two levels. One is that what you describe accurately is that universities are the training place for teachers. We do have a Faculty of Education in which people get a degree in education. Most other provinces expect their teachers to get degrees in subject areas and then get their professional accreditation in after-degree programs in education, so you get a bachelor of education in science or history or whatever, and then you take teacher training after that. I think you get better teachers that way; that's my opinion. You will get more people conversant in subject areas if you require them to take more of their university education in those subject areas. As it is, our teachers have too much of their curriculum taken up with pedagogical curriculum, other matters, and not subject areas. So part of the problem – and at least I'm aware of the extent of the need for Canadian content in the programs of education students. It's often as little as one half course, so no wonder they don't know.

4:28

The other question has to do with the curriculum in the schools, and that's a huge area. Yes, you can talk to the social studies council and to the social studies area and get some very informed teachers who are also concerned.

MR. CHAIRMAN: It is almost, in my view, a chicken-and-egg situation, and it's frustrating, because I've got kids who went through the school system, and at one particular point in time I was appalled that none of them were able to place London on the map. I think we've done a disservice to our children to abandon history and geography and those things along the way. I think that's reflected in the fact that we don't know our history, and therefore we don't know our country. That's a personal opinion, and please don't think I'm taking it out on you.

DR. JACKEL: No, no. One of the points that occurred to me while I was composing this brief was that . . . As I prepared for my own teaching courses for next fall, I was rereading a book called *Canada and the Canadian Question* by Goldwin Smith. This was published in 1891; it's now a hundred years since then. He was saying we'll never make it, the country's too divided, we haven't got the economy, and we should just give up and join the United States. So here we are a hundred years later and still debating these questions. The point I was making in that particular little episode is that these are old questions. Definitely we need new answers, but they are very old questions, and we shouldn't rush headlong into some kind of panicky state.

MR. CHAIRMAN: Okay. Any other questions from other members of the panel? If not, we do have a few moments then for a coffee break and perhaps for members of the panel to stretch their legs and for members of the audience to do the same.

Thank you very much for your thoughtful comments, Prof. Jackel.

[The committee adjourned from 4:30 p.m. to 4:45 p.m.]

MR. CHAIRMAN: Ladies and gentlemen, could you please resume your seats, and we'll get going again.

MR. POCOCK: I'd like to invite David MacDougall and John Acheson from the Catholic school district who are seated here to make their presentation to the committee.

DR. MacDOUGALL: Thank you very much. The Catholic school district is certainly grateful for having an opportunity to address a group like this, especially in matters that are specifically significant to Catholic education both in Edmonton and in the province of Alberta. I would refer very briefly, certainly not in detail, to the existing pieces of legislation that guarantee Catholic education, and then I think I'd like to take the time to point out one or two areas that we perceive as areas of concern.

For over 100 years, going back to the time when Alberta was still a territory, denominational schools had status both in fact and in law. The BNA Act, section 93, stated:

> Nothing in any such Law shall prejudicially affect any Right or Privilege with respect to Denominational Schools which any Class of Persons have by Law in the Province at the Union.

The third point in the same Act:

> Where in any Province a System of Separate or Dissentient Schools exists by Law at the Union or is thereafter established by the Legislature of the Province, an Appeal shall lie to the Governor General in Council from any Act or Decision of any Provincial Authority affecting any Right or Privilege of the Protestant or Roman Catholic Minority of the Queen's Subjects in relation to Education.

The Charter of Rights and Freedoms affirms:

> Nothing in this Charter abrogates or derogates from any rights or privileges guaranteed by or under the Constitution of Canada in respect of denominational, separate or dissentient schools.

More recently still, the Alberta School Act further proclaims the notion of equality in public and separate schools in the preamble:

> Whereas there is one publicly funded system . . . in Alberta whose primary mandate is to provide education programs to students through its two dimensions, the public schools and the separate schools.

We of the Edmonton community would like to ensure that any constitutional adjustments would preserve the integrity and equality of minority religious schools in the province of Alberta.

Catholic schools in urban centres have existed for well over 100 years and continue to play a vital role in educating students. The student populations of both Edmonton and Calgary are passing the 30,000 mark, and the health of these districts seems rather assured. The programs that are highlighted in Catholic education – and indeed there seems to be a growing demand and need for these to stress human and religious values in the face of a highly technological and sometimes dehumanizing world.

A growing problem is developing, however, in the province, particularly where there is a diminishing population or where the population is rather sparse. In the rural areas the formation of Catholic districts is restricted to what is known as the four by four geographic areas: four miles by four miles. That may have been viable more than a half-century ago, but in today's world the four by four school district is very difficult, to say the least.

Public schools, in the meantime, have been able to amalgamate into school divisions or county programs. Catholics have not been given the right to form Catholic school divisions or to expand boundaries in order to encompass Catholic families that might be scattered through a municipality or a county. Now, it is recognized that where several Catholic school districts are in reasonably close proximity, there seems to be no reason why these districts cannot amalgamate. But that does not take care of the Catholic families who may be living in a county or municipality in which they are unable to form a Catholic school district. I can recollect that in several areas there may be a pocket of Catholics that will form a majority of the population in a four by four, but you can't have a Catholic public school in a county public school district. That is not allowed. So it would seem that while the rights of Catholics to maintain their own school districts is guaranteed by the existing laws – and of course the existing laws we would not like to see changed very much – by the very nature of our province it is currently not available to Catholics to form school divisions, and I think that's one area that might well be looked at.

The concept of fiscal equity is strongly supported by the Edmonton Catholic board. We have had dialogue with the Minister of Education, and I think in general there's a lot of support for some of the equity proposals that have come forth. We would like to see assured that equity would not diminish the rights of Catholics to a Catholic education. In fact, we believe that all Catholic students should have access to a Catholic education, the quality of which being on par with all other schools in the province.

So basically, in summary, we have three points that we would like to place before your commission for consideration. First, that the rights and privileges of minority religious schools, as outlined in the various Acts that I mentioned, be protected. I think that is certainly the key point that I would like to propose this afternoon. Second, that funding for education be equitable to all students in the province, and I think just by a matter of natural justice this is a reasonable expectation. Third, that provisions be made to allow Catholic school divisions to be formed and/or to allow boundary adjustments that would make Catholic schools viable in areas of sparse population.

Now, I recognize that our brief is indeed brief, but we wanted to pinpoint those three areas as the areas of concern that we would like to see presented to you. I would like to leave the rest of the time for any dialogue or questions.

MR. CHAIRMAN: Thank you very much.

Yes, Mrs. Gagnon.

MRS. GAGNON: Thank you. Dr. MacDougall, one of the major points, number 2: "That funding for education be equitable to all students in the Province." Would you include these students in private schools? Independent schools, I guess is a better term. Right now, as you know, it's not quite equal.

DR. MacDOUGALL: That is an area that as a board of trustees we have not specifically addressed, because it is not in the direct area of our purview. But I suppose that there could well be some arguments that would favour allowing all students to have an equal slice of the education dollar. I suppose I would be speaking very much as a citizen as opposed to a school board trustee in saying that.

MRS. GAGNON: Okay. Secondly, if I might, looking at the national picture and the powers that exist at the present time, would you say that your board is satisfied that education K to 12 remain a provincial responsibility, or could you see that as something that might be a shared responsibility with the federal government?

DR. MacDOUGALL: I believe that our feeling is that the farther the lawmakers and the legislators are away from the people who are most directly affected, the less in touch with the needs of the individuals. I think having the existing regulations leaving the control of education up to the provinces is probably the best way to run a school setup.

4:55

MRS. GAGNON: Thank you.

MR. CHAIRMAN: Jack Ady, and then John McInnis.

MR. ADY: Thank you. My question was answered.

MR. CHAIRMAN: Yes, John.

MR. McINNIS: Dr. MacDougall, we had some discussion a bit earlier about who's responsible for the less than optimum quality of graduates from the schools. One of the things that occurs to me is that school systems these days have a lot of additional responsibilities put on them; for example, students with learning disabilities, physical disabilities. There's a variety of programs. There are French immersion programs, French for native, French-speaking students. I don't think in the Catholic system, but there is a Chinese school. There's an Arab school. There's a Jewish school. There's a Ukrainian-language school. Do you feel that perhaps part of the problem is all of these different expectations that are put on the system? Or do you think, really, that it's a question of finding some more dollars?

DR. MacDOUGALL: Well, I think that one of the things we've experienced over the last two or three decades is that more and more expectations are being placed upon the schools. Some time ago when children showed behavioural difficulties, we had special institutions to be able to function with them. I'm not saying that it was the best way to do it, but certainly dollars were placed into institutions for children who were behaviourally disordered. Now in the Edmonton area, at least, most of the institutions for behaviourally disordered kids have been closed down, the expectation being that the school districts are maybe in a better position to be able to do positive things with the children than an institution. Now, I have to concur with that. I think it is true.

However, I don't think the same proportion of dollars followed the children. The money that would have to be spent to keep an institution open did not come into the school district. We have a block-funded system in which we have to deal with all children's problems. Behaviourally disordered kids are among the most difficult; they can disrupt a class far more than a child who has difficulty in learning. One or two power-struggling youngsters can totally upset a class of 25 or 30 kids. So I think that part of it is probably correct.

Your preamble was correct: the schools are expected to deal with more things now, and there's bound to be a certain element of dilution. We don't focus purely now upon the academic elite. Hopefully, we still provide pretty good programs for the very bright children, and certainly higher education is geared towards that end.

MR. McINNIS: In terms of the way education is organized, most of the funding is set by the provincial government and the provincial budget with a minor share picked up by property taxes set by the trustees. Is that the kind of system – I'm just interpreting your previous answer – that you see as optimum for funding education?

DR. MacDOUGALL: To a degree, yes. However, in the last, again, couple of decades we have seen the proportion of provincial funding decreasing vis-à-vis the proportion of locally collected taxes. I think that certainly is a major concern we have.

MR. McINNIS: Thank you.

MR. CHAIRMAN: Dr. MacDougall, I think you'd probably agree with me if I said that in 1867, one of the great difficulties of bringing the country together was the issue of denominations and religious differences between the citizens of Canada in the various regions. And would you agree with me that one of the compromises was section 93?

DR. MacDOUGALL: I would think that statement is accurate.

MR. CHAIRMAN: Would you also agree with me if I said that in Alberta, despite the fact that back in 1905 and so on it may have been an issue, it really isn't an issue today that really divides the people, the issue of religious instruction?

DR. MacDOUGALL: Well, we don't look upon our schools as being divisive to the community. In fact, I think we look upon it in absolutely the reverse.

MR. CHAIRMAN: Well, that's my view. I think we've gone by that big issue now, particularly in Alberta. On the other hand, it was not so long ago a big issue in an election in the province of Ontario, where there was quite a different situation in existence. I think perhaps that underlines the importance of each province being allowed to do its own thing, if I can put it that way, relative to structuring its educational system. I just make that as a comment; I don't expect a response.

We are into a debate, and Mrs. Gagnon touched on it in her question, about the federal government's role in education. That's going to be, I think, one of the key issues that is going to emerge as we move along through this process and talk to other provinces and the federal government. So I was interested in your response on that particular item.

DR. MacDOUGALL: Well, sir, I wouldn't certainly think it would be very useful to have the same set of curricular expectations for children living in Labrador compared to children living in Calgary. I think that we've got a completely different set of criteria that would be required.

MR. CHAIRMAN: On the other hand, we do want to see transferability and mobility, don't we? So there's a legitimate debate and argument and discussion that has to take place as to how to make sure that there is that opportunity for Canadians in one part of the country to move into the other part and not be disadvantaged by the educational system.

DR. MacDOUGALL: Certainly dialogue is important. I would concur with that a hundred percent.

MR. CHAIRMAN: Just one of the issues that has come up recently in the field of education is the subject of testing achievement. The Council of Ministers of Education for Canada has devised a plan to establish something on a rather uniform basis in that area. What's your view on that? Or should that even be a matter of constitutional issue?

DR. MacDOUGALL: Well, to me it is not a constitutional issue. It would be a matter of ministers of education from across the country getting together and deciding what would be good to do. I have grave misgivings about a lot of the testing that we do. I don't necessarily find agreement with my colleague to my left. I think that much of the testing can give all kinds of spurious pieces of information to people. I think that some of the testing that has been done internationally makes comparisons between students in Japan and students in Switzerland and so on. All kinds of erroneous information can be derived from that. If the Japanese allow 7 percent of their students to write a power exam and the citizens of Alberta allow 30 percent of our students to write the same test, obviously you're not going to get the same kind of comparable results. I think those things have got to be understood when we start talking about even interprovincial testing.

MR. CHAIRMAN: Thank you very much, Dr. MacDougall. If there are no further questions, we thank you for your comments and your reference to maintaining the integrity of your school system within Alberta. I just make as a sort of gratuitous comment on my part that in the 16 years I've been in the Legislature, I really haven't heard anybody suggest that we would want to undermine the system that has in fact been in place relative to the two systems in the province.

DR. MacDOUGALL: Thank you, sir.

MR. CHAIRMAN: Thank you.

MR. POCOCK: I'd like to invite Dr. Roy Sinclair to make his presentation before the committee.

MR. CHAIRMAN: Thank you, Dr. Sinclair, for joining us today.

5:05

DR. SINCLAIR: Mr. Chairman and members of the panel, the brief that I would like to present focuses on three areas. The first of these deals with the fact that, in my view, the institution of a three-E Senate – i.e., elected, effective, and equal – is by itself a necessary but not sufficient condition to ensure that the interests, both political and economic, of western Canada be observed. That, I think, also includes those of Atlantic and northern Canada. Not only the form but the substance of government must be altered. The three primary branches of government are the executive, the legislative, and the judiciary. It would be most desirable, I maintain, in the effective governance of any country to see the three branches as independent centres of action and their necessarily interdependent participation in government. That is certainly not true of Canada.

Firstly, the executive branch is a subset of the legislative branch. The political party in the House of Commons that is able to command a majority sees its leader become Prime Minister. He then selects a cabinet – i.e, the executive – from the members of his party, which is part of the legislative group. Thus the PM through his power of selection and dismissal of the cabinet controls the executive branch. The laws that the executive branch must observe are those passed by the legislative branch over which the PM has control, since his party members constitute a majority, and he in turn controls the party members, for recall that he must sign their nomination papers in order for them to run for Parliament again, and more immediately he determines who will belong to cabinet with all its manifold perquisites. Recall that in Canada we have 39 members in cabinet for just 26 million people; in the United States President Bush has only 12 for 260 million people.

At least this is true for that half of the legislative branch represented by the House of Commons. Again observe that the legislative branch is bicameral in nature, the other half being the Senate with its members being appointed by the PM. I remind the reader of the use, or abuse, recently made of this power to legislate the hugely unpopular goods and services tax. Lastly, compounding the dangers of this extreme concentration of power in one individual, there is the appointive power to the judiciary residing once again in the PM. Now, this subject of constitutional reform is in the air, and I think that these are matters which also should be kept in the back of the minds of those people who are participating.

The history of dictatorship is one in which the central theme is the concentration of power into fewer and fewer hands. Since the prize is so enormous, the risks willingly encountered and the ruthlessness engendered are proportionate. By contrast, the history of western democracy is one which features the diffusion of political and economic power into ever more hands.

I would like to suggest two groups of ideas. They have received wide currency in various countries. The first group of course deals with initiative, referendum, and recall, and the second group is exhibited by one of the oldest and stablest of western democracies, the United States of America, in which the legislative and executive branches are separately elected and share political power. They also have there the existence of a three-E Senate. The Western Independence Association of Canada has concerned itself with ideas of this nature, and I appended to my brief a copy of our suggested constitution for a west Canada.

The second area of concern is that the political and economic structures found in present-day Canada largely reflect the outdated realities of the late 19th century. In my view, they are inappropriate for today and are prejudicial to the further development of western Canada. Now, you recall through reading history that the function that colonies served was twofold. First of all, they were a source of cheap natural resources for the industrialized and populous motherland, and secondly, the colonies were to be captive markets for the frequently hugely overpriced manufactures of the motherland. I would suggest that in the early days of Canadian Confederation, with a very, very small population to be found in western Canada, Ontario viewed western Canada as a ready-found colony for their own private exploitation.

Now, I would like to remind people that if you look at the history of the United States, Canada's history follows it by a phase of about 100 years, and certainly they had these difficulties there. Chicago was the second city. California was totally ignored. It didn't come into its own until 1945, when the war on the Pacific Rim became so important. So what I'm suggesting and begging you is that we can see that the future of Canada as presently constituted is in the west. We now have 7 and a half million people, which is greater than that of Quebec and getting close to Ontario's 9 and a half million. So I beg you: do not negotiate from a position of what I might call feudal subservience but rather from a position of recognition of our present economic contributions. I mean, the work of Robert Mansell certainly shows that Alberta makes a far, far greater contribution to Canada than any other province, and our future pre-eminence in population and economics I suggest will mirror that of the United States and the west will become far, far more important. We should always remember this in our negotiations with central

Canada. To this point, last week's issue of the *Alberta Report* has an article entitled, "Keeping the West in its place: Two Tory MPs wonder 'why on earth would Ontario want to surrender its political power?'" I think apropos in this case.

The third issue is the following. The country is currently being rent asunder by factionalism, yet the federal government perversely emphasizes these policies that are extremely divisive and scratched those that are unifying. In the former group I place bilingualism and multiculturalism. In the latter group I place sound and equitable economic policies. Now, in my brief I mentioned one point. I said that in my view language is an extremely divisive force in any country. Indeed, in the very first book of the Old Testament, the book of Genesis, chapter 11, when the story of the Tower of Babel is told, it's recounted how the Lord confounded their tongues, "that they may not understand one another's speech" and thus "the Lord scattered them" from that place and to all lands and they ceased to build the city. Now, apparently the Lord has the insight into human nature to know that while a common language unites, different languages accentuate all sources of friction, and I feel that we should try to minimize these different sources of friction.

Lastly, I feel that economics is a force that tends to unite. For example, a country with a very weak economic system such as, say, Bangladesh is not going to entice very many people to immigrate there, but a country with a vibrant and active economy is one which will. So I feel that economics is certainly one thing that should be emphasized in trying to unify a country.

Thank you.

MR. CHAIRMAN: Thank you very much. Questions?

MS BARRETT: Sure.

MR. CHAIRMAN: Pam Barrett.

MS BARRETT: One of your quotes from just a moment ago was interesting. You said that different languages are sources of friction and should be eliminated.

DR. SINCLAIR: Minimized might be a better word.

MS BARRETT: Okay. This is coming from a larger perspective, then. Let me ask you: do you think that different languages in the global perspective are sources of friction?

DR. SINCLAIR: Well, can I answer the mirror question to that? The use of a universal language, a lingua franca, is certainly one that tends to enable people to participate more. For example, I was at an international conference in Czechoslovakia. All the major presentations were in English. The presentations made by private individuals, the majority of them were also in English, and it tended to unify that conference.

MS BARRETT: Would you be of the orientation that suspects that in the long run – however long run is defined – that English or one language will come to dominate or be the universal language? Is that what you're getting at?

DR. SINCLAIR: Yes. I agree that there is some cultural loss in this happening, but I see this as one of the consequences, say, of economics. Economics requires people to communicate with one another, and in order to communicate they have to have at least a common language. This has certainly been the experience in such countries as Nigeria and India and even, to a large extent, in the European Common Market.

5:15

MR. CHAIRMAN: Fred Bradley.

MR. BRADLEY: Just to follow up on this question of language I asked an earlier presenter. There have been some discussions in the country that perhaps language policy should become a responsibility of the provinces. How do you feel about that suggestion?

DR. SINCLAIR: Well, I would say that I would prefer to see a . . . I really can't answer that question with either a simple yes or no. I feel that if this were September 13, 1759, right after the Plains of Abraham, what Britain should have done was impose a uniform language across the country. That would have removed a source of divisiveness. But, of course, there were good military reasons for permitting . . . I mean, they were about to embark on a colonial war against the United States, and they didn't want to have to fight a two-front war, so they said, "Okay, we'll grant you these rights and privileges" so that, hopefully, the habitants would stay quiet. Apparently, it was successful.

But in the present-day situation I feel that with the orientation of the people in Quebec, separation is inevitable and that linguistic divisions are fostered in Quebec because it helps suit the agenda of the people who have the command of the economy and the command of the political scene as well.

MR. BRADLEY: Well, if Canada remained as a whole country with Quebec as part of it – I guess the premise of my question comes from that perspective, seeing Canada with Quebec. In that scenario would you see language policy being a power of the provinces as a tool in terms of keeping the country whole?

DR. SINCLAIR: Well, I disagree with your premise. I don't think it is possible to keep Quebec inside Canada. Assuming that by some chance or mischance it were to be the case, yes, I'd like to see language the purview of the individual provinces, because first of all, I feel that all provinces should be treated equally, and secondly, it would permit us, the country, to accommodate Quebec and the desires of the other provinces as well.

MR. BRADLEY: Thank you.

MR. CHAIRMAN: John McInnis.

MR. McINNIS: Dr. Sinclair, a question that's always been on my mind about the triple E Senate. From an Albertan perspective it appears to make a lot of sense because what we want is more influence over the affairs of the national government, but it seems to me an elected and an equal Senate would be a much more powerful Senate because it would have some legitimacy, coming from the people, and might in fact strengthen the national government. Do you see that perhaps a stronger national government might occur at the expense of provinces or regions, in a broader sense, that what we might end up with is a much more powerful national government?

DR. SINCLAIR: Yes, because certainly with the Senate being elected, they would have a stronger sense of legitimacy. That is what they are denied now, and I think this is one of the reasons that they have been, politically speaking, so emasculated. Yes. Also, there has to be some mechanism by which the provincial and regional concerns are presented to the national government, and I believe they are scant currently.

MR. McINNIS: My question, though, is: do you feel that might make the provinces weaker then if you have a stronger national government?

DR. SINCLAIR: Looking at what has happened in the United States, the individual state governments are weaker because of the fact that they have a mechanism whereby the individual state's concerns can't be presented. Talking about the States as an entity rather than the political structure of the individual states, yes, I feel they are stronger although the political structure inside the states is weaker because of the Senate.

MR. McINNIS: Do you think that would be a good thing for Canada?

DR. SINCLAIR: Yes. It would be unifying, wouldn't it? I say that the provinces, as a whole, would be stronger with a stronger Senate, but the political government of the individual provinces would be weaker because now we rely upon the political structure inside the provinces to voice our concerns, and otherwise it would be the Senate.

MR. McINNIS: Thank you, sir.

MR. CHAIRMAN: Mrs. Gagnon.

MRS. GAGNON: Thank you. I realize that your orientation is more towards western independence.

DR. SINCLAIR: Yes.

MRS. GAGNON: But given that the country does stay together and that the west becomes more important, as you predict that it will because of its resources, I gather, would you also agree that we need more population – we only have two and a half million people in Alberta, for instance – and that the only way that's going to happen is for immigration to increase, because the birth rate is so low? Without more people, how can we compete with a Toronto that's already got 10 million people, when we've only 2 and a half million as a province.

DR. SINCLAIR: Well, if I can give a flip answer to that. This article of *Alberta Report* said, "Greener Pastures: How the West will benefit from socialism and separatism in Central Canada." Certainly separatism. There are about 700,000 Anglophones in a 6 and a half million population in Quebec. I think a large percentage of them are saying yes, particularly the young who can move are moving west. So we'll naturally gain population there. On socialism in central Canada, well, I guess you're aware that one of the new laws that the NDP government is trying to implement there is that directors be personally responsible for the misfortunes of a company if it happens because of competition, external or internal. If it happens to go under, then they are personally responsible. Industry seems to have a tendency to move out here. I think if we look at the history of the United States where we see the population gradually moving west, this will be duplicated in Canada. Certainly immigration would help, but I think there's going to be a natural development, progression of the population in Canada from the central part to the western part.

If you go back 100 years and look at the ratio of the population of Ontario and Quebec to western Canada, I don't what the exact figures are, but it must have exceeded about 1,000. Now, there's – what? – 16 million in Ontario and Quebec and 7 and a half million in western Canada. That ratio is only essentially two.

MRS. GAGNON: One supplementary please.

MR. CHAIRMAN: Yes, one supplementary.

MRS. GAGNON: You also made a statement earlier on that our cabinet compared to the U.S. cabinet was extremely large, but you were saying that in a context of, I guess, an inclination to believe that we have more a dictatorship here than they do in the U.S. I would think it's just the opposite. If the Prime Minister's willing to share with that many more cabinet ministers, it means that we are totally not like the U.S., you know, because the authority is shared between more people, rather than in the U.S. where it's shared with a smaller number. I saw an inconsistency there in your comment.

DR. SINCLAIR: Yes; well, I certainly agree that the diffusion of power is one of the most salient characteristics of democracy. I believe that the way this is set up is that – I'm a cynic in saying that. Well, first of all, the individual cabinet minister in the United States has more jurisdictions directly to deal with, whereas in Canada, you know, election to a cabinet of course is a rather singular honour, and it might be that he can say, "Yes, you look after a very small area, and I will reward you." Now, that's a financial perk for the individual cabinet minister. Maybe this is a way in which he can exercise control. This is the other side of the suggestion that you made.

MR. CHAIRMAN: Well, I just want to follow up a little bit on a supplementary on that. You know the United States cabinet ministers are all appointed; they are not elected, are not responsible to anybody but the President of the United States. I mean, you talk about moving power from the people. Doesn't that move power further from the people by not having them elected?

MR. McINNIS: Aren't they confirmed by the Senate?

MR. CHAIRMAN: No, not cabinet ministers. No. No.

DR. SINCLAIR: Well, the function for which these people were initially elected – I mean, in Canada – was for their legislative abilities, not their executive abilities. When a person runs, he doesn't run and say, "If you elect me, I'm going to be a cabinet minister." No, he runs and says, "I will be a Member of Parliament." The selection is made subsequently.

MR. CHAIRMAN: Right; well, of course, we're into a . . .

DR. SINCLAIR: The executive is a subset of the legislative group.

MR. CHAIRMAN: Well, in any event, you're really into the issue of the difference between the British parliamentary system and a U.S. presidential form of government. You're opting for the latter, and you're urging us to abandon the British parliamentary system. Is that correct?

DR. SINCLAIR: Yes. I feel it is appropriate to a unitary form of government, such as they have in Great Britain, but not as appropriate to a country which is as geographically diverse as Canada.

5:25

MR. CHAIRMAN: Okay. Well, thank you very much for your comments.

MR. POCOCK: Mr. Chairman, members of the committee, our final presenter for this afternoon's session is Mr. Maurice Fritze.

MR. FRITZE: Mr. Chairman, members of the committee, good afternoon. Thank you for the opportunity to be heard. While I appreciate being here, I have mixed feelings about these committee hearings. There are thousands of Canadians who need to be consulted about their country, but it is likely that these hearings will give an audience to those that are organized, special interest groups, and those who are skilled at presenting. Please remember that Canada is equally owned by the individuals who are not present, who are not skilled at speaking, and also those who are hard at work earning the minimum wage and need $4 more than the parking lot company that will charge for this one hour of time.

I first became aware of Canada's constitutional challenges in the mid-60s, when I was in school in Castor, Alberta. Since, I have become aware that we are struggling to find an answer to a problem that has been building for 124 years. Lately the west and the maritimes have joined the debate, changing the players from French Canada and English Canada to a pan-Canadian discussion. It has become clear to many Canadians that any solution must have the following. It must be comprehensive; Canadians want a solution that doesn't have a limited shelf life. It must be accepted by a significant majority of Canadians and all of Canada's regions. It is not somebody's turn; it is necessary for all Canadians to benefit from constitutional reform. It must combine flexibility to meet changes resulting from political or economic challenges with an amending formula that does not require unanimity. It must be meaningful and open. What can be gained by hiding? Nothing. We need to build more integrity into our political life, and nothing can damage this image more than closed-door deal making and the appearance of self-interest. It is essential that this issue be given the potential to be as significant as nation making, because if it fails, that is exactly what we will be doing. Band-aid solutions and partisan politics are not welcome. This situation requires the boldest leadership possible, and I am convinced that leadership must come from individual Canadians.

Constitutional issues are ones that belong to the people. The lessons of Meech Lake are many, and the commonly referred to complaints are the exclusions of the interests of the west, the north, aboriginal people, and others. I think the most important lesson is illustrated by the minimum position demanded by Quebec. This really meant that even if Meech Lake amendments were passed, the debate was open the day after for additional improvements. Canadians want some finality to this issue. We have many other problems that need our attention. This subject deserves a final chapter, and the process I am proposing gives it just that. Canada needs a constitutional assembly, followed by a referendum and ultimate approval in Parliament.

In spite of the fact that our politicians and media have given a lot of attention to the constitutional issue, I haven't been able to come up with much evidence that Canadians really understand the crossroads that we are at. I can speculate at the reason, but it is my feeling that we have seen the problem for so many years that we can't see Canada not having some version of the French/English debate. We cannot picture our country divided or with new borders. Some of us love the idea that it happens one-half hour later in Newfoundland. We cannot come to grips with the fact that we are facing a real threat to our future. We watched a war on television without seeing the massive destruction we normally associate with armies and air forces. We are more accustomed to the image of tanks rolling into the cities of the Baltic states. Since none of these things are happening in Canada, we the citizens and politicians overlook the crisis we face, and in my opinion our elected officials have not presented us with a vision of Canada that will succeed in the next century, nor have they presented the vehicle for change that will allow Canada to evolve into the country that it can be.

Canadians want and need a structure that will involve citizens in a way that has never been done before. The Assembly and referendum achieve this. I have no ill feelings for any of the committees that have been formed to look into our constitutional question, including this one. But I don't view them as having any significant contribution to a solution. I am doubtful that any member of any committee can get past his or her own position or agenda. I believe that in 90 percent of the cases that position is already held and the public hearing process will be used to interpret input to support that position. Almost every member of this committee and their respective party has already made declarations of their intentions, and, indeed, the government has already initiated discussions with other provinces and political leaders. I doubt that the outcome of this process can do anything but muddy the waters.

Therefore, my recommendation is twofold: one is the process that takes us out of this mess, and the other is my image of Canada. As a committed Canadian, a believer in democracy, and a spokesperson for individual rights I believe that Canada may benefit from my position, but it will benefit even more from the process. My desire not to leave the solution entirely in politicians' hands is not because of polls that show a lack of trust in them, although I do think there is some validity in this argument in the case of Premiers who participated in the Meech Lake amendments. In spite of overwhelming opposition to Meech Lake the Alberta government championed its cause. This cannot happen again, that provincial governments speak for their citizens without a consultation that binds them. More importantly, politicians should not be solely in charge of the outcome, because not one of them has been elected to represent my views or the views of other Canadians on this issue with the exception of a by-election that resulted in a Bloc Québécois win.

This is not on par with raising salaries or controlling health care costs. It is the essence of Canada. No sitting government in this country has the elected mandate to deal with the issue. Therefore, short of calling an election to be fought on the future of Canada, we need a process that represents the views of Canadians in a meaningful way. "Meaningful" is not a parade of committees; it is not predetermined positions laundered through backroom posturing. The solution to the current challenges facing Canadians is one that must be unique and precedent setting to Canada. Any position that polarizes French and English must be rejected. There is no English Canada. This is 1991, and Canada's reality is a multicultural makeup with an estimated 10 million people who don't list French or English as their first language. This is not a bridge game with teams marked them and us.

Therefore, I propose the following series of steps to resolve the constitutional deadlock: one, a Canadian constitutional assembly. This assembly of 172 citizens would be made up of both presently elected individuals and individuals elected precisely for this task. These people would meet for a period of four months to make constitutional recommendations. The larger regions – the west, Ontario, Quebec, the maritimes, and the north – would each appoint one constitutional expert. Together they would be the research, resource, and process consultants to this Assembly. The federal government would appoint three of these experts, making a total of eight. Citizens of each province would elect 10 people, Yukon and Northwest Territories would together elect 10, and aboriginal Canadians would elect another 10. The provincial and northern Legislatures would each appoint two people, and the federal Parliament would select 30 MPs to participate. All governments would be bound by a commitment to approach this on an all-party basis. Efforts would be made to resist the influence of special interest groups. Elected people would keep their salaries, and other participants would earn an equivalent salary based on a per diem including all expenses.

Rules for election in any province would prevent political party involvement in campaigning or in fund-raising. Candidates seeking election could be members of any party and use this influence, but the endorsement of candidates by parties would be prohibited. The election period would be short and would take advantage of media attention and local interest to generate support. The federal government would play a role in promoting election times and local forums. A cap of $5,000 would be in place for fund-raising, and a two-week reporting requirement would see 100 percent disclosure of fund expenditures and donors.

The second component would be a national referendum. Immediately following publication of the draft Constitution it would be distributed and debated. Parliament would follow. This would lead up to a national referendum that would follow a final draft by 60 days.

5:35

The third component is a parliamentary approval step. If a majority supports the outcome, it immediately goes to the Legislatures and Parliament for approval. It would take only a majority of seven provinces and 50 percent of the population to effect the changes. Depending on the factors of rejection, if rejected at the referendum, it could be modified to overcome the drawbacks and presented in a second referendum.

In preparation for these steps I also ask that the provinces and federal government put a moratorium on decisions that alter the present makeup of Canada. I'm offended by the Prime Minister's actions on immigration recently. I believe we can address Quebec's concerns without allocating a higher percentage of immigrants than is fair. With a commitment of an extra 5 percent of new Canadians to Quebec, which province is going to lose? Alberta? Prince Edward Island? Decisions like these tear apart the unity that we need to feel.

My own view of Canada is one earned by extensive travel in and outside of Canada. My greatest concern is equality for all Canadians. Defining this is difficult, but its impact affects provinces and individuals alike. The Charter of Rights is an essential tool to deal with the pressures of racism, intolerance, special interests, and the tyranny of the majority. Canadians want a level playing field for opportunities both in their personal lives and in their businesses. I see a need to remove the politicians' influence from administrative programs, grants, incentives, and any attempts to equalize the chance for all Canadians to participate in their country.

I'm in favour of a reformed Senate: elected, effective, and equal. Canada has been well served by a sense of balance, and regional interests are better served at this level than by a massive transfer of federal powers to the provinces. It is interesting to note that when asked if Alberta needs more powers, people are likely to say yes. I think this represents a dissatisfaction with the present model of Canada more than it does approval of massive decentralization. In other opinion surveys more detailed questions about the major powers of a federal government reveal substantial support for a strong central government in education, environmental concerns, health care, trade, and items of national unity. These perceptions of Canada need to be processed through a constructive means, one that has an impact on the final outcome. If allowed to just complain, we will not be advancing the solutions that I'm confident will rejuvenate the best country in the world. I'm confident that if nonelected Canadians are involved in defining the country's future, the likelihood of residents of Quebec rejecting this process is small. I and my fellow Canadians here in Edmonton and my neighbours in Prince Rupert and Sherbrooke will overcome regionalism and parochial attitudes.

There are few precedents to consider, if any, in Canadian history. We have a problem that won't go away. There was a time when we allowed politicians alone to deal with this problem. That time is over. Somebody said, "The west wants in." That isn't big enough. I want in; the whole country wants in.

Thank you.

MR. CHAIRMAN: Thank you.
Fred Bradley.

MR. BRADLEY: Thank you, Mr. Chairman, and thank you, Mr. Fritze, for your very thoughtful presentation. You've obviously given a lot of thought to what you put in your brief.

I'd like to just focus on your concepts in terms of amending the Constitution. It's something that's concerned me very much in terms of how we go about this whole process of amending the Constitution at this point. We've reached a sort of stalemate in terms of what the present Constitution provides us with in terms of how we approach that. You say that all governments would be bound by a commitment to approach this on an all-party basis. How do we legitimize a new process? The current Constitution provides an amending formula. You have sovereign governments. The amending formula is there. In terms of moving through the approach that you suggest, in order to legitimize that, we'd have to go through the current Constitution. Do you have any thoughts about how you legitimize the process you've suggested? You say that all governments would be bound by a commitment. What if two or three governments would not bind themselves to this process? Where does this leave us? How do we legitimize the process which you propose?

MR. FRITZE: I think the initiative for the constitutional reform should come from the federal government, and the federal government in essence doesn't need the provincial governments' support as governing bodies to call a constitutional assembly. The constitutional assembly can take the place of all the committees that are now touring the country. In essence, I see the replacing of committee reports with the outcome of a constitutional assembly, and the offer to Canadians to be involved in the assembly is that their output, the decisions they make, would be in fact the decisions that are presented to the country in a referendum. Since this takes the place of the committees that are collecting data and input in the country, I don't think we've changed the essence of the legalities of reforming our Constitution. It's coming to the federal government as advice with a level of endorsement through referendum.

MR. BRADLEY: Well, I would suggest it's revolutionary and would be a unilateral declaration by the federal government in terms of assuming powers which they currently do not have. That would be my view of giving that power to the federal government solely. I think you'd have to have some ratification process in place vis-à-vis what is constitutionally there now.

MR. FRITZE: If I might be allowed . . .

MR. CHAIRMAN: Yes, by all means. Let's have some dialogue.

MR. FRITZE: My third step is a ratification by the Legislatures and Parliament, so I don't think that we've left that element out.

MR. CHAIRMAN: Let me take you to a difficult point. One of the things that has distinguished Canada from many other federations is that the provinces own, manage, and control the natural resources. Okay? You're of course familiar with the national energy program issue of the 1980s. Let's assume that the new Constitution as drafted by this constituent assembly proposed that the natural resources be retransferred to the federal government for their resource management and control, that that was put to the people in a referendum, and that Ontario and Quebec agreed and Alberta voted overwhelmingly against that transfer of powers back to the federal government. Would you agree, then, that that should be done?

MR. FRITZE: Mr. Chairman, without the specifics of your question I think the essence of the question is exactly the risk we have to take. I think that to actually address the constitutional question we face, we can't approach any solution that doesn't actually put everything up for grabs. I'm not suggesting that the referendum wouldn't start with our existing Constitution and that we wouldn't in essence be starting from scratch, but I think there is risk in doing this. I'm hoping the precedents that have been set by the Constitution already and by our habits, that have been working, would not be thrown out. But that would be the faith I would have in this body of people, that they would in fact respect those things that have worked to our favour and only address the things that require work and attention.

MR. CHAIRMAN: Well, my guess is that if the national energy program had been put to a vote in a referendum in Canada, it would have carried overwhelmingly by the votes of Ontario and Quebec and the Atlantic provinces. Think about that. I just put it to you that way. I'm trying not to be too terribly provocative on that issue.

There was one other question I wanted to pose to you. If each province were to elect these 10 new politicians, if I can say so – because that's what they would be whether you want to call them that or not – how would you see that being conducted so that the 10 people elected represented the majority of the people, at least, of the province?

MR. FRITZE: I think Alberta's precedent with the Senate elections is a good model to follow, much like what I understand to be the case for the parliament in Israel, where there is one slate of people and the total number of votes determines who the winners are. I would suggest that we could use the existing elections office for the administrative support. We would have to devise some method of dividing . . .

MR. CHAIRMAN: But you would agree those 10 people have to have the support of the majority of the people of each province. Somehow it would have to be achieved.

MR. FRITZE: Yes.

MR. CHAIRMAN: Yes, Yolande.

MRS. GAGNON: Thank you. You say – I guess it's on page 3 – that short of calling an election to be fought on the future of Canada, that would be an election issue, that we need this constitutional Assembly and so on. What would be wrong with having a federal election where the future of Canada would be the issue, the question at stake? Is that too risky? What is wrong with that rather than this other thing?

5:45

MR. FRITZE: I'm not sure that all the issues that would need to come out would be addressed in an election campaign, and I'm not sure that we would have all of Quebec's participation. It's only my personal confidence that if we approach this on a process basis rather than an on an election, we can address all of the issues that we need to. My fear about a federal election is that elections have a tendency to polarize issues. You can only be in favour of free trade or against it; you can't be in favour of a modified version of it. There's no room for discussion of those issues. I'm hoping that in a constituent assembly the gray in between the polarized positions can at least be debated and people can hear the answers, whereas in elections there is a tendency not to get into that kind of detail.

MR. CHAIRMAN: Do you have a supplementary?

MRS. GAGNON: Yes. In a election, at least in our democracy, you are choosing a representative. Given that in a particular constituency you would have four or five candidates chosen through nomination from the various parties, you would get quite a wide-ranging debate if you had four or five people running for the position and spending most of their time talking about the future of Canada. Then people would choose which person indicated their vision of Canada.

MR. FRITZE: You're right. I lost track of my reason for including that. It was really not as a choice; it is in fact, I guess, a replacement for the Assembly. The reason for saying that we need an assembly is because the present elected people have not given us their view of Canada. That's the reason for the assembly. If we had an election, I think that could take the place of a constituent assembly because in that election they would have to declare their interests.

MRS. GAGNON: And their vision.

MR. FRITZE: And their vision of Canada. That way we would be voting, and citizens coast to coast would be making their impressions known on a vision of Canada. But failing an election, the present politicians have not in any process declared their feelings or their vision of Canada, and that's why I'm proposing the assembly.

MS BARRETT: I'd like to return to the subject the chairman raised for a moment just to chase your thoughts down a bit. In this process if one province's elected participants to the Assembly voiced a strong objection to an initiative proposed by another one, you're assuming that at some point during that four months those sorts of things would get worked out. In other words, some items would go off the table and some would stay on, and the ones that got cleared would be the ones that would be presented in a referendum. Is that it?

MR. FRITZE: In the same way that founding constitutions have some things that fall off the table, I guess that's a reasonable expectation.

MS BARRETT: I'm not challenging you. I just wanted to see if I was correct in my assumption.

MR. FRITZE: No, you're right. I would agree that some things would.

MS BARRETT: Okay; then the supplementary question has to do with the one Fred Bradley raised. He said: oh boy, you get something like this going, and it's pretty revolutionary, the feds inventing basically a new jurisdiction, I think is what you were getting at, in order to give themselves the authority to establish this. I'm not so sure that's the case; I think you can do anything by motion. I don't know if I got you wrong, Fred. That's why I question and bring it back. My question is: do you envision this as being a singularly federal initiative or something that could be done co-operatively by motion through Legislatures and the House of Commons?

MR. FRITZE: I'm not sure that it necessarily needs the approval of any provincial level of government.

MS BARRETT: Yeah, I know that's the way you answered it before, but what I'm asking you is . . . You're presenting really a very co-operative sort of orientation, right? Like saying, "Let's get this fixed or else." If you don't start with the assumption that there's something that can be fixed, then forget it. So then if that's the case, if your model were to be applied, would you also say that it would be a useful measure to suggest that the feds and the provinces got together on the plan to make this work?

MR. FRITZE: That would be my choice. I would prefer that definitely.

MS BARRETT: Yeah, that's what I thought.

MR. FRITZE: If I could just address something else I heard in your debate, and that is that even at the committee level things are going to fall off the table; even the committee is not going to deal with everything. Every suggestion you hear here won't make it into your final recommendations. That's the nature of the process. Our own preferences are bound to prioritize the things that are important to us. But we also have the opportunity in this process I'm proposing to debate it. I'm suggesting a 60-day period after the final output of the Assembly that would allow provincial governments to say, "They have overlooked this aspect." Provincial governments, federal governments, and everybody in the country will have an opportunity to convince their fellow Canadians to support it in a referendum or to turn it down. We will have healthy debate, and the federal government will be in a position to interpret this data and to have a full sense of what is happening in the country. I am confident that this process will leave that body of people in charge, and if the provinces would co-operate and support this, I think it would ensure the best constitutional reform we could ever have.

MR. CHAIRMAN: Fred.

MR. BRADLEY: Just to clarify where I was coming from: the reason I say it's revolutionary is because it would be outside the current constitutional document, which provides the basis on which you would amend the Constitution. There's some parts of the Constitution that with seven out of 10, with 50 percent of the population you could change, but other parts of this current Constitution say you must have unanimity. If you're going to bring this consensus back for parliamentary approval, you'd have to have the consent of the federal level of government and the provincial levels of government to move forward in this process and make it legitimate; otherwise, you'd be moving extraconstitutionally, and I said "revolutionary" in terms of that process.

MR. McINNIS: Mr. Fritze, what makes this such a useful and strong presentation is that there's a lot of detail, which you don't often get from people who use the concepts of referendum and constituent assembly. I just want to see if I understand it correctly. The reason you have a ratification after the referendum is to recognize that we have a Constitution in our country that essentially has to be followed. The way the amending formula goes, if you're taking a power away from a province, that province has to agree. That's section 38(2) of the Constitution. That's the Alberta resources jurisdiction. My understanding is that you would want to follow the existing formula in terms of bringing in the new Constitution so that a province couldn't lose its control of natural resources, for example, against its will?

MR. FRITZE: I think I'm friendly to that.

MR. McINNIS: Okay.

MR. CHAIRMAN: Jack Ady, you wanted to ask a question.

MR. ADY: My question has to do with the structure and makeup of your constitutional assembly. I see some dangers there of it being weighted, specifically with the 30 MPs that would be selected by the federal government. I think it would be obvious that it would be weighted in favour of the populace end of the country just by the nature of Parliament. By that same token, we might have a tendency to have the final document weighted. Consequently, when it comes to the vote, the referendum, it would be accepted by the heavily populated areas of the country. I just see some dangers with this structure. Can you comment on that?

MR. FRITZE: I am aware of that element of risk, and I'm not sure that I have covered it to my own satisfaction. I am coming from a position where I think one person, one vote, and I don't know why 10 people living together should have any less influence than one person living out on their own. I'm not convinced that in every single case I should have as much weight, so I'm looking for a sense of balance. In my own pursuits I'm promoting a triple E Senate that would help protect some of those regional interests. That's my own inclination. I recognize that there is an element of risk. But at the same time that I want to defend the smaller provinces from the larger population bases, I also want to see that individuals have the freedom of mobility. If I move to Toronto, I want to carry that same one person, one vote influence with me whether I live in Toronto or Charlottetown.

MR. ADY: Okay. A supplementary comment. I think we need to bear in mind, though, that a triple E Senate cannot go counter to a Constitution; in other words, if there's a Constitution adopted by this country, even though we have an equal Senate, or a triple E Senate, they're still bound to work within the bounds of that. If it's weighted away from the regions, the Senate becomes powerless.

MR. FRITZE: I think the hue and cry that would come from a constitutional assembly that wouldn't address those things would be so great that we'd be back in the starting position. I don't believe that Canadians would allow that to happen. That's the faith that I have in the people and in the process. I'll recognize the risk.

MR. ADY: I appreciate that, but we've been putting up a hue and cry for years.

MR. CHAIRMAN: Well, you've given us some interesting thoughts, and some specifics have been mentioned relative to the proposal for a constituent assembly. We've been hearing a lot about it. I just want to thank you for the time and effort you've put into making your presentation. Thank you very much.

I think we now adjourn until 7 o'clock, when we shall reconvene here. We have a number of additional people who wish to make presentations.

[The committee adjourned at 5:56 p.m.]

7:06 p.m. Friday, May 24, 1991

[Chairman: Mr. Horsman]

MR. CHAIRMAN: Could I ask everybody to take a seat, please. I'd like to commence the meeting. We'll get under way.

For those of you who weren't here this afternoon, I want to welcome you and advise that I'm Jim Horsman. I'm the MLA for Medicine Hat. I am the chairman of this committee. This is a select special committee of the Alberta Legislature, and we have as members a number of people. We're just short one at the moment, but I'll ask the members to introduce themselves quickly.

MR. McINNIS: John McInnis, Edmonton-Jasper Place.

MR. ADY: Jack Ady, MLA for Cardston.

MR. BRADLEY: Fred Bradley, MLA for Pincher Creek-Crowsnest.

MR. SEVERTSON: Gary Severtson, MLA for Innisfail.

MS BARRETT: Pam Barrett, MLA for Edmonton-Highlands, in which this hotel and a number of other things are located.

MR. CHAIRMAN: Our hostess for this evening.

MS BARRETT: Correct.

MR. ROSTAD: Ken Rostad, MLA for Camrose.

MRS. GAGNON: I'm Yolande Gagnon, MLA for Calgary-McKnight.

MR. CHAIRMAN: We have a number of people who are prepared to make presentations. Everyone is aware that they have 15 minutes. At the end of the evening after we've heard from each of the people who wished to make a formal presentation, we will have a time of about 45 minutes when people from the audience who wish to make comments or representations briefly are invited to do so.

We'd like to get under way right away, however, and I will ask the secretary of the committee, whom I did not introduce – I'm sorry, Garry; Garry Pocock is the secretary of our committee – to ask the presenters to come forward.

MR. POCOCK: Mr. Chairman, members of the committee, the first presenters this evening are representatives of the Institute of Chartered Accountants of Alberta: Mr. Hirsch, Mr. Morley, and Mr. Glover. I'd ask them to come forward, please.

MR. HIRSCH: Thank you very much, Mr. Chairman. For the record, Hirsch and Morley are one person, with their names reversed. I'm Morley Hirsch. I'm president of the Institute of Chartered Accountants of Alberta, and I'm here with Steve Glover, our executive director. On behalf of Alberta's 5,500 chartered accountants, we thank you for the opportunity to make this presentation.

As you have had an opportunity to read our submission, our comments will be brief so that we can answer your questions. We would like, however, to emphasize the following points. Our integrity as a profession is enhanced by the fact that we are viewed as a national body. As our submission indicates, this is a consequence of our initiatives in ensuring that powers are shared in an efficient fashion between our national and provincial organizations. It is clear, in our view, that changes must be made in the division of powers between the federal and provincial governments. This will result in consequential changes in taxing powers so that all levels of government can finance their respective obligations. We emphasize, however, that whatever changes are made, Canada's integrity as a nation must remain intact. The division of powers ultimately agreed upon should minimize duplication. We believe that it is the cost of overlapping services that has caused a significant portion of our deficit.

It is also clear, in our view, that Canadians cannot continue to expect premium services from government for bargain-basement prices. Canadians and their respective governments must prioritize their needs and obligations so that the cost of government services becomes more manageable and does not increase our overall debt and tax burden. Finally, education must remain a major priority. Our competitiveness as a nation, and hence our ability to fund our social fabric, demands a highly educated and skilled population.

These are the essential points that we made in our written submission to you. We stand here ready to answer any questions that you may have with respect to that submission.

MR. CHAIRMAN: Thank you very much. Are there questions?

Yes, Jack Ady. Jack, you'll have to use your microphone.

MR. ADY: I keep forgetting that. Thank you.

You indicate that you're really anxious that the overlap of powers be eliminated. On that view, it's going to have to go one way or the other: either more powers to the provinces or more powers to the federal government. Which way do you see that going?

MR. HIRSCH: I don't think I said that precisely. What I said was the overlap in the delivery of services must be eliminated to the extent possible. There clearly are areas in which there is both a national and provincial interest. The manner and means by which the national and provincial governments establish their respective obligations in those areas have to be worked out, but I don't think it follows that it's a one or the other type of situation. The delivery must be done in a fashion that is efficient.

MR. CHAIRMAN: Okay, Jack?

MR. ADY: Yes.

MR. CHAIRMAN: Pam Barrett.

MS BARRETT: Thanks. Two questions. First, you cite the overlapping of jurisdiction with respect to financial institutions as being one example of inefficiency as a result of overlapping jurisdiction. Can you describe the inefficiency that you're getting at there?

MR. HIRSCH: I think I'll turn this over to my executive director, who is slightly more familiar with this.

MR. GLOVER: It's probably not possible to give you an itemized list of what the cost of the inefficiency might be, but inevitably if both jurisdictions are involved in regulating financial institutions, both must build up the infrastructure, the bureaucracy, and so on to carry out that regulation. Inevitably, there's going to be more bureaucracy and more cost in total if all of the jurisdictions, all of the provinces, and the federal government build up that type of infrastructure. There may be some offsetting benefits in terms of greater ability to fine-tune or control a local situation, but we're not convinced that there's been that proper cost/benefit analysis in the past, and inevitably there must be overlapping of services and duplication within that process.

MS BARRETT: So you're saying "inevitably"; you do recognize that. Okay.

The second question, then, is: have you envisioned a process whereby constitutional reform can be accomplished with support from a large majority of Canadians?

MR. HIRSCH: That's a very difficult question, because there have been a number of processes described, from a national referendum to constituent assembly to what has gone on in the past: meetings of provincial Premiers and the Prime Minister. We haven't really addressed which is the ideal process, but we do believe – and we compliment the Alberta government and all governments that have started the process of seeking input on issues of relevance to Canadians. I think whatever process is ultimately adopted, that input is a necessary precondition. I think in the final analysis it's our belief that the elected representatives are going to have to have the courage to make decisions because that's what they were elected for, but they must have the input from Canadians of various persuasions with various perspectives before they make those decisions.

MR. CHAIRMAN: Thank you.

Yolande Gagnon, and then John McInnis.

MRS. GAGNON: Thank you. Mr. Hirsch, two questions. First of all, you say that your bottom line is to maintain the integrity of Canada. Can you expand on that? What does that mean?

MR. HIRSCH: That means that Canada is a nation, not a confederation of equal nations, and that in the final analysis the national interest must prevail over provincial interests.

MRS. GAGNON: Okay. Thank you.

My supplementary. Do you feel that education, being a top priority, and I think we would all agree with you there, should be a provincial responsibility, a federal responsibility, or a shared responsibility?

MR. HIRSCH: I think it would be naive in the extreme to think that the federal government will not have an interest in education when it funds such a large part of it, but the delivery of education clearly is a provincial responsibility. The balance of how to increase our education delivery systems has to be worked between the two jurisdictions in some fashion.

MRS. GAGNON: Thank you.

7:16

MR. McINNIS: Mr. Hirsch, a question about education just to follow that up. I certainly agree that education is the highest priority in the provincial Legislature, along with our partners, the school trustees and the teachers and the staff. I think that's one of the most important things that we do. Does your association support the idea of national goals for education similar to what they have in the United States, where they emphasize achieving a certain level of graduation, a certain level of scientific and mathematical skill by a certain point in time?

MR. HIRSCH: I think the performance of our graduates seems to have declined on a relative basis, relative to other jurisdictions, particularly in the sciences. Clearly, that's a priority. I'm not sure I'm answering your question directly, because I'm not sure, when you talk about national goals, whether you're talking from the perspective that this is a federally determined initiative or whether it's a provincially determined initiative. I think to the extent that there can be goals that are articulated on a shared basis between the various jurisdictions, this would be a plus.

MR. McINNIS: Perhaps my question could be a bit clearer. Do you support the idea of national standards for education, say a national standard that you have to achieve in order to graduate from high school, for example, a performance standard? If so, with that I think would come the authority to make sure that it's carried out.

MR. HIRSCH: I think personally I would support national standards in that vein.

MR. CHAIRMAN: Could I just follow up on that? You have a national association, and yet you have provincial bodies. Is it true that the chartered accountants of Canada have achieved through consultation amongst your provincial associations a standard of qualification that is uniform across Canada?

MR. HIRSCH: Yes, it is, and it was very difficult to achieve, but we have a shared uniform final exam amongst all provincial institutes.

MR. CHAIRMAN: And did achieving that goal involve the federal government in any way?

MR. HIRSCH: No, to the best of my knowledge and belief.

MR. GLOVER: Could I just add to that? I think that's an important distinction. I think my colleague was saying that because something is set as a national standard doesn't mean that it's set unilaterally by the national government or the federal government. I just wanted to be clear on that.

We've had the uniform national exam in place since 1939, and it has worked for some 51 years. Just one fact you may be interested in as perhaps an objective quality indicator. We just did some statistics that compared the results by university from all across Canada. The top performing group on a five-year average was the graduates from the University of Alberta. That was top compared to all Canadian universities. In the top 10 were the University of Calgary and the University of Lethbridge. There's many factors in that success, but it is one sort of objective national standard that demonstrates high quality by Alberta graduates.

MR. McINNIS: Does the national exam mean that a chartered accountant can practise anywhere in the country? Or is it like the law profession, where you have to be admitted to the bar in each province?

MR. HIRSCH: Because an individual passes our uniform final exam, there is an agreement amongst the provinces that, on application, he will be admitted. But it still is by application.

MR. CHAIRMAN: Okay. Well, that's some very helpful comments. Since you are part of a national organization as well as having specific responsibilities for education within Alberta for your own membership, I think your comments have been very useful.

Fred.

MR. BRADLEY: I just have one question. In your brief you suggest that governments are expected to do too much today given our fiscal capacity. Are there areas which you suggest that government should not be involved in that they're currently involved in?

MR. HIRSCH: No. I think that's a matter of establishing priorities. We did not address specifics, but clearly every interest group looks to government first. I think it's a philosophical problem as much as a financial problem. We have to educate ourselves to look to solutions that do not necessarily involve government.

MR. BRADLEY: Just a supplementary in a different area. You obviously have an interest in the area of duplication of services. You suggested that we should eliminate that duplication, and you've suggested in the capital markets area, the financial institutions. Are there other areas of duplication you can suggest that we should eliminate?

MR. GLOVER: Again it wouldn't be specific, but one general way of going about it that you have to look at: the unit being served is one possibility. The individual senior citizen in Canada is forced to look to probably at least three levels of government and probably more than one if not many departments within each of those governments to identify the full range of senior packages and programs to support them. One aspect of the overlap is what individual or what unit is being served, to minimize the cost from the perspective of the governments in delivering those services but also the cost and hassle for the individual in accessing those services. So I think you would have to come at it from a couple of perspectives, that being one, and we're not in a position to really comment on any specific examples. We put the one in our paper, which I think is realistic.

MR. CHAIRMAN: Could I just ask one question? You make a very good point in your brief about international competition and the ability of Canadians to compete in the global market. Would you hold it to be your view in your specific profession that Canadian chartered accountants are capable of meeting international standards relative to the services they provide to the people of Canada and their clients?

MR. HIRSCH: I would say unequivocally yes. We're very involved as a profession in international organizations and have taken many leadership roles there, particularly in the area of the establishment of accounting and auditing standards and ethical standards.

MR. CHAIRMAN: Just a quick follow-up to that, and I don't want to be too long. As things change internationally, has it been possible for the educational systems in Canada to adapt to those changing international standards and developments?

MR. HIRSCH: If you're talking in the area of the profession of accountancy, then I think it has.

MR. CHAIRMAN: Yes, I am just referring to your profession specifically.

MR. HIRSCH: I think it has.

MR. CHAIRMAN: Any other questions?

MRS. GAGNON: I have one. Can I have . . .

MR. CHAIRMAN: Sure.

MRS. GAGNON: It was very interesting that in your brief you mentioned that Canadians have demanded premium services but only have been willing to pay bargain-basement prices. Are you referring there to the costs of food, to our tax system? Could you expand on that a little bit? What should we be paying for and how much more kind of thing?

MR. HIRSCH: I think that I alluded to it earlier in my comments, about a philosophy of looking to government without necessarily being cognizant of the cost of government providing services. The government is not always the most efficient provider of services. We look to government for our health system. We have probably a system that's the envy of many other countries. At the same time, it's not a system without a cost. I think if we're going to continue our system, which is an envy, we have to be cognizant of the fact that it is a costly system. Therefore, as citizens we have a responsibility to look both at what is being provided and what we demand from that system and what we're prepared to pay for it. I think sometimes we forget that when we demand services, somebody's going to pay for those services.

MRS. GAGNON: Thank you.

MR. CHAIRMAN: Thank you very much for your presentation. I know you represent a very large segment of Alberta society. Thank you.

MR. HIRSCH: Thank you.

7:26

MR. POCOCK: Our second presenter this evening is Allen Clark, with the Western Independence Association.

MR. CLARK: Thank you. Good evening, everyone. Well, it is a great day to be an Albertan in my view. I hold in very high regard the aims and objectives of this special committee, and I feel a certain amount of honour in being allowed to sit here, taking home the knowledge that in some small way my comments this evening may aim the future course of the constitutional deliberations of my province. I submitted my brief to you earlier, and I'll take it that you've all had a chance to see it, but I'll just briefly touch on some of the major points of that.

In October of 1987 a group of west Canadians gathered here in Edmonton to plan the beginning of a new federal political party, with the chief aims and objectives of that new party to be to educate western Canadians towards the need for political independence. Now, most of the people shared two common beliefs. That was that the Canadian Constitution and the political system were completely unacceptable at that point, and that none of the existing political parties were capable of making the changes that we believed were necessary.

Why was it necessary to plan the beginning of a separatist party? Surely many felt, as some still do, that simple reform of the Canadian Constitution may have been adequate in addressing many of our concerns. Make no mistake; we studied in depth the possibility of simple reform answering some of our desires. In initially deciding whether or not we should start a new political separatist or reform party, we had to have a complete understanding of the mechanisms of the Canadian Constitution and the mechanisms of reform in that Constitution. We explored the Canadian Constitution and the mechanisms of reform. The result of our exploration into our nation's Constitution and the reason we became a separatist party is encapsulated in the introduction to that Constitution.

This is what we determined. In 1981 Canadians got a new Constitution, but no one cheered. In our bones and our hearts we knew that it was not our Constitution. We had had no part in its creation. What we needed then was a Constitution that included a triple E Senate and an end to bilingualism. We needed a Constitution that we could all understand, and of course the Canadian Constitution isn't anything close to that. We needed a Constitution that could not be changed without our consent. Meech Lake should have been impossible. We came to the conclusion that Quebec and Ontario would never agree to such demands. They would have to give up far too much; they would lose their power to control our government. So we became separatists with the belief that the changes we thought we had to have would never occur within Confederation.

Well, very much has changed since that original introduction was written. Quebec now seems to believe that their aspirations, too, may be better served in a Constitution of their own devising. I'm happy to say that this committee now also seems to be willing to address on a national level many of the concerns that are so important to the people I represent here. In our short history as a political party we learned that there seems to be a western consensus with regard to what the people of western Canada really want in their nation and in their Constitution. It occurred to us also that someone should begin to compile western opinion into a model Constitution, a new vision for a renewed federation.

Well, almost immediately after the 1988 federal election our group began doing exactly that, compiling western opinion into what is now A Constitution for West Canada, which we published in October of 1989. Now, the fact that this document sprang from a western separatist organization notwithstanding, I believe that all of the principles embodied in this Constitution are in accord with what is the majority western view; that is, all the things that westerners consider vitally important to their nation. It now appears to the members of my association that the Alberta government and, indeed, this committee have now begun down the same road that we took two years ago: compiling the interests of Albertans and soliciting their input into that process.

It also occurs to us that you're going to hear exactly the same sentiments expressed now that we heard two years ago. Moreover, we believe that what you will hear will transpose very nicely into a Constitution for Albertans if not for all Canadians. It's our view that that Constitution could become most valuable, if Dr. Peter Meekison was correct during round table 1 when he said that in the event of Quebec's independence, the constitutional order of the rest of the country would in effect be set aside. This is what we call granting the other provinces, by virtue of Quebec's independence, de facto independence also.

So it's for this reason that my association suggests that Albertans be prepared for such an eventuality by transforming the consensus drawn from these committee hearings into a model Constitution. Prior to the commencement of further discussions down the road, the Western Independence Association further suggests that an Alberta public referendum be held to ratify that Constitution, to ensure that our representatives at the next round of constitutional talks are armed with the full faith of the people whom they represent, the people of Alberta.

I would like to discuss for a moment a significant happenstance during the third round table of the Alberta government task force, at which Lise Bissonnette enlightened us with the current goings on inside Quebec. Ms Bissonnette pointed out that the talk of separation in Quebec now has gone beyond the what-if stage, and they are now talking about when. Particularly, they are talking about what kind of association they can mete out with us, between then and now I suppose. She stated plainly that the burning question is about strategy. Apparently, they've been talking to some degree about a new Canadian community much like the EEC on the other side of the Atlantic. The members of my association now believe that the goals of Albertans and Quebeckers are very much the same. At least we could agree, as our accountant friends have just pointed out, that economically speaking it's important that our nation appear to be rebuilding, even if what is being rebuilt is, as Stockwell Day pointed out during that round table, merely an umbrella. Nonetheless, it's Canada to the rest of the world.

So in summary, ladies and gentlemen, it's the belief of the members of the Western Independence Association of Canada that the Canadian Constitution is an aberration which does not serve the people that it purports to, and it is such a poor Constitution that it is not even suitable to use as a guide in making a new Constitution. We believe that Quebec's aspirations are compatible with those of most Albertans and that it is possible to reconfederate Canada along the lines of the EEC as proposed by Quebec and as related by Ms Bissonnette. Based upon what I have witnessed both here in Alberta and during the proceedings in Quebec, I believe that what suits the people of the two provinces best would be a new confederal system of mostly sovereign provinces.

Now, I'd like to repeat something that I said earlier; that is, that my association believes what you will hear during these meetings will be representative of a western consensus of exactly what it is we want for our nation and our Constitution. Therefore, we ask that when the deliberations of this special committee are complete, a referendum be held across Alberta to accomplish, really, two things. One, it would demonstrate to all the people in the rest of the provinces our vision of how consensual democracy should work. Secondly, it would ensure, as I said before, that the people who go into that next round of constitutional talks are representing nothing less than the views of the majority of the people of Alberta.

I'd like to take this opportunity, Mr. Chairman, to thank the Premier of Alberta and this committee for giving the members of my association the opportunity to make our view of a new Canada known.

Thank you.

7:36

MR. CHAIRMAN: Thank you. Well, I'm sure there will be questions.

Yes, John McInnis.

MR. McINNIS: Yeah, I do have a question. It's something I've often wondered about people who are separatists. You know, there's a group in Quebec called the Equality Party. You may have heard of them. They ask a very simple question: if Quebec can separate from Canada, why can't we separate from Quebec? Now, assuming in your scenario that Quebec does separate, what is to say that the rest of the units continue to function as units? I mean, why should Alberta be assumed to be a unit under those circumstances? Wouldn't it be possible that somebody in Alberta could decide that they don't want to be a part of this western independent nation? You might have the nation of Sherwood Park and the nation of Cardston, which would probably not impress too many people on a world stage. I mean, where do we stop? Which of these political units do we declare our loyalty to, or does the loyalty mean anything at all?

MR. CLARK: Well, I don't see that there's much danger of that, because as is the case with any other political thing, it has to gather support, so if someone intends to split Quebec in two or Alberta in two or any other entity, it's going to have to gain a majority of support. To quote Peter Meekison during the round tables, his contention was that most people wouldn't have much regard for the federal government anymore. It would be in chaos, held in contempt virtually. The Alberta government, then, would say, "Well, at least we're in control of this entity, and we can best handle what's going on in Alberta," so they would tend to withdraw into Alberta and proceed from there. I don't anticipate that Alberta would fall apart as a result. I think we'd take solace knowing that our government here was at least prepared should that come about.

MR. McINNIS: Don't you think it's at least theoretically possible that some of the resource-rich parts of our province might decide they don't want to take care of the dirt-poor farmers in some areas of the province and go their own way? I mean, don't you think that's possible?

MR. CLARK: I've never heard of that. Albertans have a unique affinity for one another, in my view.

MR. CHAIRMAN: Are there other questions?
Fred Bradley.

MR. BRADLEY: In your brief you mentioned that you believe there should be an end to bilingualism. I've asked others here. There are some who suggest that language policy should become the responsibility of the provinces. Is that approach something which you would support?

MR. CLARK: I would support that in this day and age, because the province is the place where we have our most direct representation. My personal opinion is that culture and language belong to the people, and government has no right to legislate one way or the other.

MR. CHAIRMAN: Let me ask you this question: are there changes to the Canadian Constitution that could be made which would make separation unnecessary?

MR. CLARK: It's difficult to fathom a single or even a reasonable number of amendments. First off, we have to find an amending formula that everyone's happy with.

MR. CHAIRMAN: Well, leaving that aside.

MR. CLARK: To answer with a single word, I don't believe so.

MR. CHAIRMAN: You don't think so. Not even changing the bilingualism policy, for example?

MR. CLARK: Well, that's not going to appease Quebec, which really at this point in time is a lightning rod.

MR. CHAIRMAN: It is a lightning rod; I agree with you on that. In any event, I just ask you that question, and you say no. I appreciate your frankness and candour. We're here to listen to the views of the people who come before us.
Are there any other questions? Yes, Ken Rostad.

MR. ROSTAD: In terms of your referendum, who would draft that referendum? If you were referring the eventual recommendations of this committee to that referendum, would it either reject or accept it in principle, or would parts of it survive?

MR. CLARK: I hate to presuppose what your recommendations would be, but I would hope that you would feel confident enough in what you hear from Albertans to propose a new vision of Canada primarily to Quebec, because obviously if they don't accept, then the whole process isn't going to even begin. I would think that you could come up with a proposal for Quebec that you might believe would be acceptable to them and have a referendum based on that proposal: should we offer this to Quebec or not? As for the mechanism, that's a function of the Legislature of Alberta.

MR. CHAIRMAN: Well, thank you very much, and . . .

MRS. GAGNON: I'm sorry, I have . . .

MR. CHAIRMAN: Oh, I'm sorry, Yolande. I beg your pardon.

MRS. GAGNON: Thank you. I just wanted to ask you if you don't believe that in the last seven months since round table 2 or 3 – which was it? – took place, changes have occurred both in Quebec and in the rest of the country. This is an evolutionary process. No one is frozen in the same opinions and attitudes that they had in November, and I'm wondering if you're willing to concede that things have changed since November and that maybe we have to move with some of the new facts.

MR. CLARK: I'm willing to concede that there has been a tremendous amount of change, but not politically. In attitudes and in discussions, yes. The Canadian political system, the Canadian Constitution has not changed; our situation has not changed. I'll agree that what has changed is possibly the avenues being discussed in Quebec. Certainly things have changed out here. Albertans are becoming more in tune with what's going on and some of their options, but I don't believe the fundamentals have changed one iota.

MRS. GAGNON: If I might for a supplementary. You quote Peter Meekison. My understanding is that he is taking a sabbatical from the U of A in order to work to save Canada, yet in the way that you quote him, it seems as though he is in favour of separatism. Could you explain that? Unless I misunderstood.

MR. CLARK: I apologize to Peter Meekison. I know he wouldn't support that at all. I quoted Peter Meekison simply because I had the benefit of attending round table 1, when I had opportunity to ask the question: would the Canadian Constitution in effect become null and void with Quebec's independence and thereby grant the other provinces de facto independence? He did not agree that that in fact would be the case. However, he said that the central government would be in disarray – how would the courts function; how would Parliament function, et cetera, et cetera – and that it wouldn't be de facto independence, but you may find that it operates that way. It's my sincere hope that it would.

MR. CHAIRMAN: Well, thank you very much. You've raised some provocative thoughts for us as a committee.

MR. POCOCK: I would like to invite Leslie Moss to make her presentation to the committee.

MR. CHAIRMAN: Welcome.

MRS. MOSS: Good evening, hon. Mr. Horsman and members of the special select committee. Thank you for inviting me to come down here.

MR. CHAIRMAN: Can everyone hear? Just speak a little closer to the microphone, I think. Thank you.

MRS. MOSS: Thank you for inviting me down here this evening. I'd like to thank your support staff for their letters to me and phone calls and for encouraging me to speak out what I think because it's our right to speak out what we think.

I'm here this evening to read a letter that I wrote to you several months ago concerning Bilingualism, Where Do You Stand? I realized this letter needed to be toned down, so I've rewritten it for you. I have a revised letter for you. Well, here it goes.

Bilingualism is not working in Alberta. The movement got off to a good start and merited the taxpayers' money. It promoted tolerance between the two founding nations – that is, Quebec and Canadians – and promised increased academic performance in the school systems.

7:46

There are many well-known arguments against continuing bilingualism. One such argument is the importance of French in Alberta when the main centre of Francophone culture – that is, Quebec – wishes to isolate itself. But in addition to this, I would like to draw attention to another factor in the language issue. This is written and spoken French, which receives little notice. Bilingualism is fine in Alberta as long as the two languages are vital and flourishing. Unfortunately, due to unforseen circumstances, the life and the richness have been kicked out of French. It's becoming a poor language in this province. Yearly it is being infiltrated by English structures, grammar, and worst of all the English way of thinking. More appalling is that the French language in Alberta is slowly resembling a sort of English language written and spoken with French words.

In addition to this problem, hon. Mr. Horsman, French in Alberta is plagued by linguistic intolerance. There is a tendency in the last three or four years for unknown vocabulary and expressions unfamiliar in Alberta but accepted on the international French scene and in the dictionary to be scorned and rejected. In time, Alberta French will not measure up to Ottawa French. This narrow definition of language that's encompassed in these developments bodes ill for the future of the French culture in this province, and unless it's modified, one could argue that the extension of old and the creation of new services in the province, such as the laws in the Legislature Building and the other bilingual services, would be a waste of time and effort.

In conclusion, it is my opinion that it's the practice but not the concept of bilingualism that has gone sour. Albertans ought to stand back and ask why before proceeding further down this road.

Thank you for your attention.

MR. CHAIRMAN: Thank you, Leslie. You're certainly welcome to express your opinions, and I'm pleased that you came tonight. I do want to make sure that you feel comfortable about coming and talking to us about issues that you feel so deeply.

I'll just ask you a question perhaps to start, and that is: in the overall Canadian context, would you feel more comfortable having language policy established by each province? For example, New Brunswick has official bilingualism in place; the government of Quebec has French, basically, although they are required in some instances to have French and English. Would you feel more comfortable for it to be done that way?

MRS. MOSS: I'm not a teacher, and I'm not a politician. In education – this is where French is being taught to the little Alberta children – I thought it was a provincial matter, that they decide. They have the education consultants, so I thought the transmission of the language from generation to generation was pretty well controlled by Alberta.

MR. CHAIRMAN: Well, that's basically it, but are you happy with it that way?

MRS. MOSS: Just so it doesn't become more ghetto French and more regional French with this sort of English way of thinking, almost American way of thinking. I don't like it. Maybe it could be just more Canadians and Manitobans and Quebecois and Nouveau Brunswick people. Everybody is able to speak his French and express themselves with different vocabulary, so maybe the French across Canada speak differently. I'd just like some richness back in the language.

MR. CHAIRMAN: Thank you very much.

Well, I think there are a couple of questions. Pam Barrett.

MS BARRETT: Yeah, thanks. Are you originally Francophone?

MRS. MOSS: No.

MS BARRETT: But you are bilingual?

MRS. MOSS: Yes, I am now.

MS BARRETT: I see. Is what you are getting at – do you notice a lot of difference, for example, in the French spoken in Legal or Morinville compared to the French that's spoken in a small town in Quebec?

MRS. MOSS: I've only been to Red Deer. I've lived here for 21 years. I haven't really been around, but I have been to Quebec several times. It was mostly an attitude when I said something. Just expressions. Just describing how you're thinking in your head in a French way, not an English way.

MS BARRETT: Right. But you know that Francophones here or those who have learned French as a second language – I mean, which group is it that's learning it in English and using French words? Is it Anglophones, or is it local Francophones?

MRS. MOSS: I think it's local Francophones.

MS BARRETT: That's what I thought you were getting at. I don't know how to answer that. It's very interesting.

MRS. MOSS: Yes, but that's coming through the whole system. That's what I hear. I hear it because I've got old Anglophone ears. It's the way you hear it: that's what I would say if I were down in . . .

MS BARRETT: If I were English trying to speak French. Right. Thanks.

MRS. MOSS: Yeah. I'm finding that it's just a tendency towards this linguistic intolerance. If you do say something that you learned in Quebec or in France or in Haiti, don't say that. We have one word for everything; don't use another word for the same thing. I feel sorry for that, because the language is just going to fold in on itself. The language will become very, very flat and uninteresting, and then English will definitely dominate. That shouldn't happen, because this is a bilingual province and country.

MS BARRETT: Thank you.

MR. CHAIRMAN: Thank you.
Yolande Gagnon would like to ask you a question.

MRS. GAGNON: Thank you. I guess I'm having a little trouble understanding what it is you're suggesting. First of all, you have said that French as spoken in Alberta is becoming a dead language. I think that would be a great surprise to 65,000 Albertans . . .

MRS. MOSS: I revised that. I didn't want to say that.

MRS. GAGNON: . . . who are of French origin and speak French. I'm wondering if you could tell us how you arrived at this assessment? Why do you think this has happened? Is it because of legislation? Is it because these 65,000 French-speaking Albertans live in an English milieu? Secondly, because you say that this has happened, does that mean we should forget immersion schools; we should forget French first-language schools? What are you getting at, please? I didn't understand it.

MRS. MOSS: What I'm getting at: I would like to have improved bilingualism, an improved quality of French. The reason is that I'm speaking from experience. For the last four years I have been in a bachelor of education program in French immersion, and I've encountered so much intolerance, not just my Anglophone accent, because I understand that if I have an Anglophone accent; that's not very good if you're trying to teach French. But it was mostly in the written part. You know, your writing is not accepted, and much of your vocabulary and your expressions are considered too classical and too academic.

MRS. GAGNON: Where does the intolerance come from? That's what I would like to know.

MRS. MOSS: Well, I just felt it was such a narrow definition of language. French is a very rich language. It is just full of images, and I think it's richer than English. I just felt that if you have people accepting so little from the other ways you can speak French, from the other people who speak French, from other provinces, even over into Manitoba and Ottawa, if you have this intolerance towards these people in education, I felt that was not going to help French.

MRS. GAGNON: But on the part of people at the university or on the part of whom? Who is being intolerant of what you call limited French?

MRS. MOSS: I ran into this very much in education, in the classrooms of 23 courses, student teaching practicums. I just was very scared of this attitude, this kind of xenophobia. I think the quality should be improved, because this is how future Albertans are going to learn French. I don't want them to be learning a poor regional French. This isn't against the Franco-Albertans, you know, the Franco-Albertains of Bonnyville, Falher. I'm not speaking against them. It's just the quality of French that I'm seeing that is being promoted in Alberta. Well, one thing is the school system. That's important. So I hope I've made myself clear.

MR. CHAIRMAN: Yes, you have very well now. Thank you very much. I appreciate you coming forward.

MR. KLAVER: Could I ask her a question?

7:56

MR. CHAIRMAN: Please, I think perhaps it's not quite fair to somebody who's presenting to engage in debate from the audience. You'll have a time at the end of the day.

MR. KLAVER: May I ask Leslie if she is willing to take in a conversation with me in public about the English language and the French and the bilingualism? Is Leslie willing to do that?

MR. CHAIRMAN: Well, I'm not going to encourage a debate. This is an opportunity for individuals to come forward and talk to us. I'm sure you can have a good chat with Leslie. Perhaps if she wants to engage in a debate, well, she'll do it on her own, but this is not the forum to do that.
Thank you very much, Leslie.

MR. POCOCK: The next presenter is Mr. Robert Foerger, and I'd ask him to come forward, please.

MR. FOERGER: Good evening, Mr. Chairman and members of the Select Special Committee on Constitutional Reform. As you can see, my name is Robert Foerger. I'm very proud to be able to participate in these hearings at such a critical time in Alberta's and Canada's history. I represent no one, but if it came to a vote, I suppose my wife and three children would vote for me. I suspect I'm like many Albertans with one exception: I'm here and they're not.
I find it difficult to talk about constitutional reform without talking about what it means and what it will mean to be a Canadian. Canada has changed since my parents immigrated in the early 1950s. I'm all for change, and I hope that I don't stand

in the way of progress and what Albertans, if not all Canadians, acknowledge as the need for constitutional reform. We Albertans are a generous people who've been blessed by the Creator, God, with a wealth of opportunity, heritage, and material, and as Albertans we have been especially endowed with both generosity and a great heritage of Judeo-Christian values. We have given to the rest of Canada through the federal government well above the national average, and somehow we have accepted this as an honourable role within Confederation. On an aside, this fact among others sets us as equally unique a culture within Canada as Quebec. In fact, in a typical Canadian way we have been smug about our wealth and our work ethic while Ottawa and the poorer provinces benefited from this, and I hope that this will never change.

Many things have changed since the Second World War. When my family immigrated to Canada, it was a clear choice to leave behind whatever was good or bad in order to come to Canada and become whatever it meant or means to be a Canadian. I don't see that anymore, and it distresses me. I see that people come with their own national agendas, values, and below all that they come not to become Canadian but to transport a part of their own country to ours. We all know that Canadian identity is fractured at best. It's not as susceptible to definition as our neighbours to the south, but you'd think after 124 years of Confederation we'd be able to better answer the question of our identity. I was amused to read in Grolier's encyclopedia of *Lands and Peoples* that we are described as monarchs of the north, and at one point the American encyclopedia says: Canada is, of course, as American as the United States. So much for the American perspective. In this city I'm proud to say that we have what appears to be the most successful Heritage Days Festival in Canada – you must understand that that's what we Edmontonians say about absolutely everything we do – but curiously our Canada Day celebration wilts in its shadow, and I ask aloud: why can't we generate for Canada the type of pride that brought us here in the first place?

So what does my Canada need? My nation needs representational government, I believe. Whatever we have here does not represent the people to the government. You people sitting on the committee have at times such antagonistic agendas that it's a wonder that anything gets done. I guess I should be grateful that we usually have majority governments; otherwise, we'd really look like Third World countries who have coalitional governments. I'd rather have my MP or MLA represent my views to government than have them represent their party to me. For example, why is it that the government – and these will be questions that I don't expect to be answered, as you know – does not follow the wishes of the majority of Canadians in things like something as simple and just as sending a person like Charles Ng to the United States to face the justice system in the country where he has committed these heinous crimes? Why do rich criminals like Donald Cormie get away with crimes against honest, hard-working people? Why is my government funding the indiscriminate murder of thousands of unborn human babies every year? Why can't my government balance its chequebook of taxpayers' money? If I overspend, obviously I face bankruptcy. I can go on, but I think you get the point.

The second point I'd like to bring up is about Senate reform. I think that a recent Senate satire brings profound shame to all Canadians, and let me just add my voice to throwing them off the cliff by saying that we need a Senate, if at all, that fosters representational government. It appears merely to be another bureaucratic black hole for spending, and it represents only the current government's agenda. I personally believe that less government is better government, for I continually see wasted taxes and interference. I must be the only Canadian I know who doesn't mind paying my portion of the taxes because I believe that I am the beneficiary of a wealthy nation born from a generation of hard workers who are fiercely proud, but like all Canadians I cannot stand waste in government.

The third point I'd like to bring up is about lobbying reform. I see lobby groups influence my government. Here I am representing nobody, and I find that they're all well funded by my government but not well represented by voters or taxpayers like me. I don't want business, union, or bizarre special interest group leaders to represent me; I want my elected officials to represent me. In effect, I want to be empowered to influence my government as equally as these other groups that have access to your pocketbooks or to your "beds." For example, why is it that the status of women group gets money but not REAL Women when REAL Women has a far larger representation across the nation? I suspect that a group like REAL Women does not represent the political parties, yet they do represent a large number of women.

The fourth thing I would like to bring up is about family support. I don't understand why the government is so interested in funding all sorts of lobby groups when they fail to help the average Canadian family. Families where both parents choose to work outside the home get all sorts of incentives to do so, but not so for my family. It is an enormous cost that I bear in taxes in order to pay for subsidies that the well-to-do can enjoy. On top of it all, it is clear that we are seeing a pandemic on the scale of AIDS – and I don't mean this as an exaggeration at all – in the area of discipline and crime problems that arise directly out of the breakdown of the family. No socialist government, no matter how idealistic, can replace the family.

I have enough copies for all of you here. I thought there'd be 15 of you. Should I leave all 15 for you?

MR. CHAIRMAN: Oh, yes. The panel is divided into two, and at this very hour in Calgary eight of our colleagues are hearing the same, but we exchange all information which we receive. So please do that.

MR. FOERGER: One of the next to last points is a discussion paper I received in the mail called An Alberta Constitutional Vision. I can't for the life of me find who actually sent it to me, but it had 10 guiding principles. I don't want to go through it. I have it in the appendix. I just want to comment on three of the guiding principles with which I have difficulties with the implications.

One of the guiding principles says: "The Constitution should protect individual rights common to all Canadians." I think it's axiomatic that we do protect human rights, but that is not the same as promoting life-styles such as homosexuality. For this reason I do not want sexuality covered in any expansion of the Charter when we look at constitutional reform.

Another point here is: "The Constitution should facilitate self-determination for Canada's Aboriginal peoples." I don't know if I speak for everyone, but I think many Albertans if not Canadians are pretty embarrassed by how we haven't come to some sort of agreement with our aboriginal peoples. Having said that, though, it appears that some aboriginal peoples, like some Quebecois, want nothing to do with being Canadian. In that case, why make me pay for their education? Why make me pay for their subsidies? Why make me pay for their life-styles?

If they are interested in being Canadian, in equality, then we should demand some sort of allegiance to being Canadian first.

8:06

The last comment here is that the Constitution should respect Canada's multicultural heritage. I appreciate how that's worded, for we are, of course, more than a people of British or French descent, especially in Alberta, where German and Ukrainian are the silent majority who have frontiered this great land. But as I have said before, no ethnic cultural group should be protected or promoted to the extent that it hinders or detracts from the Canadian needs and future. [some applause] I have an unknown following. Believe me, I did not invite these people here; you did, and I'm glad for that.

MR. CHAIRMAN: These people are here to listen, and if they like what you're saying, they'll let you know. That's democracy, folks.

MR. FOERGER: Hear, hear.

Okay. Finally, I want to talk about reformational reform. Let me exalt the fact that this nation was founded on the predominantly reformational values from a Judeo-Christian heritage. Although I see these values erode in my country, I know them to be beautiful and right. They have formed the foundation for the ideals we hold today, and they are unique in the world. This is the true reforming for which I strive.

In conclusion, let me extol the fact that people like my parents and I, who proudly and bravely immigrated to this great country, continue to bear the weight financially, ethically, morally, and with hard, honest work. We are not the ones in the jails. We are not cheaters on our taxes. We pay our bills on time, and we give generously to those in need. I do not complain about the hard facts of life or try to undermine my government. I do not do ill against even those who would do ill against me and with whom I have profound disagreement. But I work hard to make this a better country and, therefore, ask that you consider what I have to say as that which is of great value. I do pray that you have the wisdom for the task ahead of you.

That is the end of my presentation.

MR. CHAIRMAN: Thank you very much. While you may not represent a specific group, I daresay you represent the opinions of many Albertans, and I thank you for your candour and frankness.

John McInnis.

MR. McINNIS: Among the concerns every now and then there are issues that really cut across in terms of what makes people upset with government. One that strikes me is the issue of the GST. It seems to me that everybody I know opposed the GST. Everybody I talked to signed petitions against it. All three of the political parties in the Alberta Legislature indicated opposition to the tax, but the Mulroney government went ahead and did it anyway, and it's that kind of government's doing things that people don't want that really crystalizes the concern that I think you're putting to us today.

Now, one of the things that came out of that was the Reform Party, because they certainly had strong opposition to the GST. Since that time the Reform Party has decided they're in favour of the GST, but still they continue to grow and expand into Ontario. What does that tell you about the way our political system operates?

MR. FOERGER: I'm not wise enough to answer that question.

MR. McINNIS: I guess what I'm getting at is that I think somehow in a democracy people drive the system – they have to – and if we want change, we're going to have to get real change somehow or other.

MR. FOERGER: Yes, I appreciate what you're saying in that way, that that party tends to represent a point of view. But I would rather not always have to be producing parties to get my point across. I would rather my MLA and MP represent my point of view. I understand I'm not the only one in the constituency, but what I get more of is that here's the party representing their point of view to me, and that is quite disturbing.

MR. CHAIRMAN: Yes, Yolande.

MRS. GAGNON: Thank you. I think you'll be glad to hear that all parties in Alberta have been talking about free votes.

I want to ask you about the term you used: representational government; if you could expand on that. Are you talking about . . . I don't know. Well, you expand on it. I could give examples of what I think, but could you expand?

MR. FOERGER: Sure. You're right in picking up on that, because I use it maybe too loosely to be useful other than this general idea that it would represent the people who vote as opposed to maybe a party system. I don't know of a government that doesn't have a party system, so I don't have any other example.

MRS. GAGNON: But you're not talking proportional government or anything like that?

MR. FOERGER: Not necessarily that way, no.

MRS. GAGNON: Okay.

MR. CHAIRMAN: Fred Bradley.

MR. BRADLEY: Thank you, Mr. Chairman. In your remarks you mentioned, I believe, the need for Senate reform. Do you support the triple E Senate concept?

MR. FOERGER: Insofar as it would represent our needs. Clearly, what we have seen in the Senate is that it represents the agenda of the current government to the exclusion of the outcry of the nation. Certainly Alberta's point of view was not represented in the Senate. But again I must confess – I don't want to pretend to be wise enough to answer that question. That's why I've made narrow comments. I really honestly hope that you do have the wisdom. I don't mean to be cynical about that at all. You are elected, and I do hope that you can weed out these type of comments and put it together correctly.

MR. CHAIRMAN: Thank you.

Ken Rostad.

MR. ROSTAD: Thank you, Mr. Chairman. Robert, you and I had occasion not too long ago to discuss some of your representations, but I want to clarify because I think you're either the fourth or fifth out of about 12 presenters so far that have brought up Mr. Ng and the frustrations that everybody feels. Being the Attorney General, I just want to make people aware that the extradition, first of all, is a federal responsibility.

MR. FOERGER: Yeah, I understand that.

MR. ROSTAD: You can make representations here. Alberta, quite frankly, processed Mr. Ng quite quickly in what jurisdictions we had. I'm not a protector of Mr. Ng, but we do have some protections for all of us built into our legal system, which have to be utilized. There is some frustration right now because there's all of a sudden a block at the federal level of one more procedural hurdle. I think most people around this table would share the same concerns and frustrations everybody else has, but . . .

MR. FOERGER: Yes. I brought it up as a case in point.

MR. ROSTAD: Yeah; you're about the fourth or fifth of people who are here this afternoon. I wasn't going to say anything about it because it really isn't in our milieu. The representations are certainly well received here, and we'll take them beyond, but I would suggest to anyone who does have those continuing concerns that they also take them to the federal level where the jurisdiction lies.

MR. CHAIRMAN: Yes, thank you. Well, this has of course been a long-standing Canadian tradition: deciding whose responsibility issues are, the federal or the provincial government, and of course that's part of a federal state.

I should perhaps just tell you a quick story about a professor who, having a new group of international students, assigned them an essay on elephants just to test their writing ability. The British student turned in an essay entitled Elephants and their Role in the Development of the British Empire. The French student turned in an essay entitled The Love Life of the Elephant. The American student turned in an essay entitled How to Raise Elephants for Fun and Profit. And the Canadian student turned in an essay entitled Elephants: Are they a Federal or Provincial Responsibility?"

Well, thank you very much, Robert, for your thoughts. Our secretary will distribute your remarks. Thank you.

The next presenter is Doug Tomlinson, representing the United Senior Citizens of Edmonton East.

Welcome.

MR. TOMLINSON: Thank you, Mr. Chairman, members of the select committee, and fellow Albertans. I first of all would like to apologize for not having my brief prepared for you before the meeting. I also would like to thank you very much for the opportunity to express my views here. I am not a professional person. I know the problems facing our country are very complicated, and I would like to deal with one aspect alone: what I would call possibly the national question in Canada.

8:16

I am a former Anglophone Quebecker. I have lived in Alberta since my service discharge in 1945. I speak French very poorly now from lack of use, but I still hold love and respect for la belle province and its friendly and kind people. Over the years I viewed with dismay the efforts of the federal government to implement bilingualism and federal service by edict. By and large, it has antagonized Anglophone Canadians and puzzled Francophone people from Quebec. I believe French Canadians outside of Quebec should have the identical rights that were granted to me as an Anglophone in Quebec, such as in courts, Legislatures, schools, et cetera.

I believe Canada is a multinational state comprised of the peoples of the First Nations, the Francophone nation, and the Anglophone nation. Because of our failure to recognize this, we have a Constitution and Parliament since early days that leads from crisis to crisis and will not, because it cannot, solve the constitutional crisis so-called. Today, after the near disaster of Meech Lake, amidst the frantic manoeuvering of political parties and leaders at all levels, we now face a prospect that Canada as we knew it will change. Our basic failure, in my opinion, is not to recognize the existence of the people of the First Nations and the Francophone nation as nations within Canada. To relate my experiences in Quebec as part of a privileged Anglophone minority there would take more time than is allowed. May I just say that I am still ashamed of the domineering and negative attitude we held. No place in Canada experienced the terrible effects of the Great Depression as did the people there.

I am firmly convinced that Quebec will leave Confederation and form an independent state. I also believe the process will be very complicated for all. The people of an independent Quebec may face a severe drop in their living standards, which even today are not the best. I also believe that the people of Quebec have the right to self-determination. Quebec can survive as an independent nation on the basis of an historic nationality going back 400 years. It has a common language, a common culture, a common geographical area, and basically a common religion. We of the Anglophone nation come from many countries, including Francophone people outside of Quebec, and have largely developed a good living and working relationship amongst us, in spite of some exceptions, that sets an example to the world.

I believe our native peoples of Canada are on the move forward and will not be stopped. Thanks to a native person from Manitoba, Elijah Harper, we were all saved from the disaster of Meech Lake. Canadian history will record his name with honour for future generations.

It is wonderful that efforts are made here to allow French and French immersion and also other languages in schools. How wonderful for our children to be bilingual. The third and fourth language comes easy. Just go to Europe to see how many people there speak many languages.

My real fear is that we today as Canadians will fail to recognize the opportunities that exist to restructure the Canadian state that perhaps could include us all on a basis of national equality including an independent Quebec. I can understand why Francophone Canadians outside of Quebec are concerned on what their status will be when Quebec leaves. My hope is that there can be a mature and realistic political leadership developed that will recognize that drastic changes in our structure are necessary. It is so very difficult for people from western Canada, so far from Quebec, to realize the realities as they exist. We must all try, based on the recognition of the three nations in Canada, to prevent the disintegration of the Canadian state and our absorption into our giant neighbour to the south.

Thank you, Mr. Chairman.

MR. CHAIRMAN: Thank you, Mr. Tomlinson, for your heartfelt comments.

I have a question, and it goes back to the first part of your presentation. I'd just like to get a little clarification. You mentioned that the introduction of the bilingualism policy by edict by the federal government had caused puzzlement on the part of Francophones within Quebec. Could you just explain that a little bit?

MR. TOMLINSON: Well, I have friends in Quebec, and they could never understand why in, say, a city like Edmonton, where in fact you could almost say one hundred percent of the people here speak English, even the Francophones, we would insist that the post office and all government offices would have French-speaking civil servants. They don't understand it.

MR. CHAIRMAN: Okay. So am I correct in saying – and I don't want to lead you on this – that the federal government policy was not necessarily the policy of the province of Quebec or the people of Quebec?

MR. TOMLINSON: Yes. May I answer that, Mr. Chairman?

MR. CHAIRMAN: Please do.

MR. TOMLINSON: It just seems to me that the Trudeau government and particularly Prime Minister Trudeau himself, in the intense effort made to ignore the existence of Quebec as a nation, developed this policy across Canada to make the French Canadians feel more at home maybe in Vancouver and the east coast. It didn't work, and it's not working.

MR. CHAIRMAN: Okay. Thank you very much.
Other questions? Jack Ady, and then John McInnis.

MR. ADY: One of your opening statements indicated that you felt that Quebec would leave Confederation. What would you say is a fair basis on which Quebec would stay in Canada, or do you see no common ground where that could be accomplished? And one that would be acceptable to the rest of Canada, because there has to be a balance.

MR. TOMLINSON: That's correct. I think it's too late. I have a feeling that within two or three or four years Quebec will be out. What could I say now? I think we have to realize that Quebec will leave and that we in Canada have to negotiate an entirely new relationship within Canada. I'm hoping that if we can do that, Quebec in some form would stay within the Canadian state, if that's possible.

MR. ADY: Something along the lines of sovereignty association, then, you would be looking for?

MR. TOMLINSON: Well, I think it would go farther than that really, because I am thoroughly convinced now that the people in Quebec in a vast overwhelming majority are opting for independence.

MR. ADY: One last supplementary. In the event that Quebec did leave, then, you would see that as the demise of bilingualism in Alberta? As far as an edict is concerned, it would only be carried on by people who chose to carry it on?

8:26

MR. TOMLINSON: Well, I think it would create tremendous difficulties for Francophone people outside of Quebec the same as it would create for Anglophones who stay in Quebec. It's going to be a tremendously complicated situation, and I hope and I would believe that if that does happen, the people of Alberta, being the people that we are and where we've all come from, would not necessarily reject or turn against our own Francophone Albertans. I don't believe that.

MR. CHAIRMAN: Thank you very much.
Yes, John McInnis.

MR. McINNIS: Mr. Tomlinson, I very much appreciated your comments about aboriginal people and also about Elijah Harper in particular. You appeared to my hearing to give to aboriginal people the status of a founding people of Canada; I think you referred to three founding peoples. Would you therefore support some type of recognition in our Constitution of the inherent rights of aboriginal people – self-governing, that type of thing – within the Constitution of Canada?

MR. TOMLINSON: Again I would have to say that I'm not a professional person in this field. I would feel that at some time in the future there will be negotiations between the three basic nations in the country that could result in a new type of parliament and an entirely new relationship in the country between what I call the three nations in Canada.

MR. McINNIS: So if there are negotiations, you do feel that the aboriginal people should be directly involved?

MR. TOMLINSON: I believe the native people of Canada should be the first to be recognized as the first nation that exists in the Canadian state.

MR. McINNIS: Thank you.

MR. TOMLINSON: Thank you.

MR. CHAIRMAN: Yes, Yolande Gagnon.

MRS. GAGNON: Yes. Could I ask you first of all: are the United Senior Citizens of Edmonton East a grouping of seniors, and are you their representative, or do you speak on your own behalf?

MR. TOMLINSON: Yes, I'm the president, but I'm also a member of two or three other seniors groups.

MRS. GAGNON: Was there some discussion that led to your presentation today?

MR. TOMLINSON: There are only 17 of us. We're a very small, declining group, but we're a very active group, unfortunately.

MRS. GAGNON: Okay. Thank you for that.
I would like some clarification. You said that French Canadians outside Quebec should have identical rights as Anglophones within Quebec. Now, is that whether Quebec stays or whether they leave? You know, do you mean that no matter what, this should continue to exist whatever the situation is in Canada, if we have a renewed federalism or whatever?

MR. TOMLINSON: Well, if Quebec does separate, I think that the Anglophone Canadians in Quebec and the Francophone Canadians in Alberta should have equal rights.

MRS. GAGNON: Okay. I understand. Thank you.

MR. CHAIRMAN: Thank you very much, Mr. Tomlinson.

Are there are any other questions?

Well, you 17 senior citizens have thought very long and hard, and I want to thank you very much for your considered opinion. Thank you very much.

MR. POCOCK: Our next presenter is Ron Boehm, and I'd like to ask him to come forward.

MR. BOEHM: Good evening, ladies and gentlemen. The Canadian Constitution today, as we near the 21st century, I feel is a soother. I think it's a political soother that is pacifying provincial infants and interests. The time has come to grow up and to take our first steps toward national maturity. We must, as our domestic conflicts are becoming increasingly expensive, demoralizing, and hurtful. After all, we should be focusing our energies toward global issues and global markets, so that we can contribute to the well-being of the world and thereby to fellow Canadians.

The Constitution of Canada that will be developed must be a dynamic, unifying policy that will take a long-term view in effectively guiding Canada to democratic maturity. We must remove the complications within the Constitution so that the resulting document contains really only two basic components. The first: a clear definition of the individual; it would define what a Canadian is, the rights, policies, obligations associated with being a Canadian citizen. The second: a clear definition of a group. Today's society is a complex mesh of groups: political organizations, unions, religions, charitable organizations, provinces; the list goes on. What defines a group, and what are the associated rights, policies and obligations that should exist for Canadian groups? Alberta as a province would be only one group among many within Canada. The ultimate inclusive group would be the group of all Canadian citizens wherever they reside in the world.

I will first address individual rights. My view is that part 1 of the present Canadian Charter of Rights and Freedoms goes a long way to fulfilling basic human rights, but improvements must be made. I feel that the Canadian Charter should be updated to include two principles derived from the Universal Declaration of Human Rights as set forth by the United Nations. These are:

> (2) Everyone is entitled to all rights and freedoms set forth . . . without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth, or other status.

and

> (17) (1) Everyone has the right to own property alone as well as in association with others
>
> and
>
> (2) No one shall be arbitrarily deprived of his property.

In order to unify this country, we must incorporate the principles of these articles so that we can all freely speak the same language, in a figurative sense, benefit from the same rights, and have the same commitment to Canadian society. We must not identify particular groups in this section of the national document. Specifically, this would entail the removal of all references to the English language, the French language, and aboriginals', as these terms identify groups within the Canadian society. By subscribing to the fundamental human rights as mandated by the United Nations, we will be consistent with global rights, and we will be better prepared to take a global view of world issues and events. This is an important consideration in our ever shrinking plant.

I will now address the second fundamental principle that the new Canadian Constitution should adopt: a recognition of groups. An effective Constitution will take a more multidimensional view of Canadian society. Presently, we divide Canada into distinct geographical boundaries, tracts of land called provinces, that do little to represent the complex network of values and interests that exist in our society. The pressing issues of today, and that we'll see more of tomorrow, are not geographic in nature; that is, increasingly people are affected by numerous influences that span the nation, including religion, cultural background, family and friends, publishers and authors, coworkers, educators.

To me, being Albertan does little to define who I am and what my role within Canada should be. To illustrate, culture spans political boundaries. A family practising the traditions of Japan may have more in common with a family in Ontario than they would with their neighbours here in Edmonton. The voice of a representative group, such as a Japanese cultural society, if strong enough could initiate political, economic, and/or legislative change. Government would then be obliged to represent these groups in accordance with a prescribed procedure for groups as defined in the Constitution, and if support is strong enough, perhaps this would lead to a referendum. The concept of citizen-initiated change has already been successfully implemented in democratic societies and must be considered for Canada's new Constitution.

Culture is only one facet of the multidimensional framework I'm suggesting. There are many others. On a personal level, I'm pro-choice on the abortion issue, I favour open immigration policy, I'm against the GST, and I'm an advocate of the North American free trade deal. That's Ron Boehm. Provincial governments and federal representatives have done little to represent my views and concerns on these national issues in the past, and presently nothing binds them to do so in the future. I can, however, find organizations that will listen and that can represent my views through a communal, unified voice. The time for direct representation through organization, community, and consensus is now.

8:36

The clear definition of groups and their role within Canada will likely spawn a number of distinct societies, but these societies will better Canada. We will develop meaningful communities that will transcend geographic boundaries. We will develop many leaders that are knowledgeable and have a deep concern for the well-being of Canada. We will be able to voice our position on current, timely issues. We will be able to initiate action in a meaningful, democratic manner. I truly believe that the power, commitment, knowledge, experience, and spirit of all of these groups will converge, in fact synergize, to create a strong, new representative Canada.

This proposal advocates a form of unitary representation, but I feel that it will be a responsive unitary representation. We must provide Canada with the facilities it requires to address the major issues of the world that are transnational in scope. For example, the needs of the environment and the economy cannot be addressed solely by national action policies and law, yet we must provide our national representative with the scope it requires to adequately represent our country. Today the environment and the economy are obviously transnational issues; tomorrow it could be health care education. Already we are seeing how policies in these arenas are directly interrelated with the economy and environment. Increasingly the priorities and actions of provincial and municipal governments are in conflict with, not in synchronization with or not responsive to, the priorities and actions of the federal level of government.

Our strategies for dealing with the issues must be focused between the different levels of government and between other entwined issues. As we address the complex issues of the 21st century, our solutions and policies must be consistent with each other and involve the appropriate experts if they are to be effective and efficient.

The Fathers of Confederation did what they could to represent the needs of geographically dispersed Canadians through the 19th and 20th centuries. It's a different world today: faster, smaller, and much more complex. To cope with the 21st century, we must address the issues by using the technological tools that are available to us to gain consensus and create community. If we can cast millions of votes weekly on Lotto 6/49 numbers, if we can vote for the player of the game using 1-900 telephone numbers, if we can watch TV to witness the events of the world as they unfold or to hear experts debate current issues, surely we must be able to apply technology to develop representative policy: a dynamic representative policy that can change with the interests and values of Canadians as we strive to demonstrate leadership in global issues and global markets in the 21st century.

MR. CHAIRMAN: Thank you very much, Ron.
Questions from the panel? Yes, Yolande.

MRS. GAGNON: Thank you. I can see that you've put a lot of thought into this. I have two questions. You talk about unitary representation. What do you mean by that? Only one level of government?

MR. BOEHM: Basically one level of government: the federal level empowered to react to transnational issues, as I've described.

MRS. GAGNON: Then would you leave anything, though, for the provinces?

MR. BOEHM: Well, as I mentioned in here as well, I would consider them one group within the many groups.

MRS. GAGNON: Okay. My second supplementary. You talked about dynamic representation. We've been here since 3 o'clock this afternoon, and we've heard many, many views, some of them, you know, directly opposed to each other. Someone says, "I'm pro-choice on abortion." Someone else has said, "I'm avidly against abortion." For free trade, against free trade. Against immigration, for immigration. While trying to be representative of our electors and so on, we, I guess, as politicians have to see the balance, because there's a pluralism of views and of interests and of values. How would you suggest that we try and get around that, outside of a party system for instance? Sometimes parties help like-minded people to coalesce around some ideas.

MR. BOEHM: I'm saying that through the facilities that are available, the government would be obliged, if there is a demonstrated majority on a certain issue, to carry that through. Now, you'd have to determine that threshold, I guess, to change certain things. To change the Constitution might require a very high threshold. To change something on a smaller level, maybe not so great.

MRS. GAGNON: Then the personal view of the politician wouldn't count? You simply represent the majority in your riding, not ever your own philosophical or conscientious kind of value? I'm just trying to indicate the balance needed here. It's difficult.

MR. BOEHM: I guess so. Yeah, I would say.

MRS. GAGNON: So always the majority would rule?

MR. BOEHM: Yes.

MRS. GAGNON: Okay. Thank you.

MR. CHAIRMAN: Pam Barrett, yes, and then John.

MS BARRETT: Yup. Pretty close to what I wanted to talk about, Yolande.

I think you've done a very thorough critique of what's wrong, and it's very, very topical and current. I'm just not sure where you're heading on how to fix it. I mean, you're right. You can play 6/49 all the time, and you can do 1-900 numbers and stuff like that, but are you advocating (a) a constitutional system that does that, or (b) a political system that basically, you know, conducts the latest Gallup poll, finds out where the public is, and does that, acts on that information?

MR. BOEHM: I guess the two would have to work together. I mean, the Constitution and the government definitely have to work together.

MS BARRETT: Okay. So what do you do? Let's say you find that there's a new interest in a public program that's never been of much interest before. You find 85 percent of Canadians want more effort put into this program, and you find 85 percent of Canadians saying, "I'm not going to pay a nickel more in tax." Have you thought about a mechanism for handling that?

MR. BOEHM: Okay. The cost definitely would have to be attributed to the majority. Yeah, the cost allocation would definitely be related to the facilities or programs available.

MS BARRETT: Yeah, I know that you understand about the difficulty there.

MR. BOEHM: Maybe that's where the role of government really has to come in. We know they administer taxes, so they could administer that.

MR. CHAIRMAN: Well, nobody likes paying taxes that I've ever run across, except one of the previous presenters.
John, and then Gary Severtson.

MR. McINNIS: Mr. Boehm, I'm also intrigued by the home voting proposition. Our system is slow and cumbersome, and many people today have expressed frustration over the way it works, but at least it's an open system in which the information is not controlled. Anyone can form a new political party, run for office, and change the system. What concerns me about the idea of home voting is: whoever manipulates the flow of information and frames the question is in a very powerful position to influence the outcome of the vote.

Let me just give you one example. I heard recently two different formulations of essentially the same proposition. If you say to somebody that it's very important that we have national standards of health and education so that people have access to the same services coast to coast, most people will say yes. If you say that people who are elected to provincial Legislatures are just as smart as people elected to the House of Commons and maybe they should be able to make decisions about health, education, social services, that sounds good too, and most people will vote for that. But they're in fact radically different positions. Are you not concerned? I mean, it's one thing who's declared the MVP of the hockey game or which numbers are lucky enough to win the pooled money. That's important but perhaps nowhere near as important as whether we enter a war or whether we have social programs and this type of thing.

MR. BOEHM: Okay. Maybe the first step would be to determine what the question is. That would be step one, and that could be done through the same mechanism.

MR. CHAIRMAN: What mechanism? Now, be clear about this.

MR. BOEHM: Vote for the question.

MR. CHAIRMAN: What question?

MR. BOEHM: If you've got several different questions put forth by several different interest groups, vote for the question.

8:46

MR. McINNIS: But then somebody's going to make up the questions – right? – that you vote on.

MR. CHAIRMAN: Okay. Well, that's an interesting perspective.
Yes. Gary Severtson.

MR. SEVERTSON: Yes. I was just going to pick up on Pam Barrett's question. I can see that if you went to representation by everybody voting electronically or whatever, if you had a question that you wanted to increase health care and education and then at the same time wanted to lower taxes, I mean, they're just counter . . . You can't do both; that's what I'm trying to get at.

MR. BOEHM: Yeah. Well, on any given issue there are given costs associated with that, and I think we would have to determine what the costs are related to the new program and relate that as well to the consensus.

MR. CHAIRMAN: Thank you very much. You've given us a thought-provoking point of view. A unitary state for Canada is one of the options in our discussion paper. We asked: can Canada be governed as a unitary state? You answered yes. Other people have come before us and have said no. That's part of the debate that we're into, and I think it's extremely important that we understand that. Thank you very much for your presentation.

MR. POCOCK: Our next presenter this evening is Lorraine Vetsch with the Edmonton Friends of the North society.

MRS. VETSCH: Good evening. I'm here to present the views of the Edmonton Friends of the North. We look at things from a bit of a different angle; we are an environmental society. So in order to understand our point of view, it's necessary to know our start point.

We believe that if Canada and, in particular, Alberta continue to abuse and deplete our ecological capital, our economy will be lost. Anyone with even a remote inkling that this is the turnaround decade for the environment can understand why environmental concerns are high on the priority list for Canadians. What makes this reality so hard to deal with is that the problem can't be packaged off province by province. Environmental degradation is not confined to provincial boundaries, and some types of activities have global consequences. We need a level of government actively and aggressively asserting jurisdictional responsibility based on ecological boundaries: things like watersheds, land, soil types, and climatic conditions. The federal government, as far as we could see in our discussion, is the only level of government able to fulfill this role, but only if the concerns of the local communities in question are taken into account.

The next point is very important to our society. The nation must also honour agreements with the aboriginal peoples of Canada, and we must recognize that native issues are not confined to provincial boundaries either and therefore must be dealt with, we feel, at the federal level. We need just and equitable settlements for the native peoples of Canada, and we must trust them to govern wisely. I do want to say that again: that we trust the aboriginal peoples to govern wisely.

The native view that the earth is finite and cannot be owned is a valuable view because it promotes stewardship and not ownership. We're very concerned with the ability of multinational corporations to lease our Crown lands without mandatory, formal public hearings before independent, third-party, scientific panels, panels whose decisions are policy-making and not simply considered to be advice which can be disregarded. The recommendations of such panels must carry considerable weight, and politicians must then be held accountable for the policies they implement.

Ecological costs must be taken into account when assessing present and potential projects. Ministers of the environment at both the federal and provincial levels of government must be part of the inner cabinet or planning and priorities committees in order to ensure that the development of a vision for Canada incorporates ecological responsibility into all of our laws. Hopefully good environmental laws will ensure that ecological considerations are enforced. Provinces must remember that one province's dam is another province's drought and one province's effluent is another province's carcinogen. The things that we're talking about weave the web of life and force us to broaden our responsibilities beyond our provincial boundaries. We like to think about fostering multinational accountability and not multinational corporations.

Thank you for your time this evening.

MR. CHAIRMAN: Thank you very much.
Questions? Comments?
Yes, Pam.

MS BARRETT: I understand the importance of the drift of what you are getting at with respect to one jurisdiction has to have the final answer or be held accountable when it comes to ecological and environmental concerns. You said: well, you can't do that without having sort of co-operation with the communities which it embraces. I wonder if you thought about or would care to spell out just what that would mean to the current relationship between the provinces and the feds with respect to that. Probably a lot of Canadians feel the same way you do, but probably a lot of us, me included, have not worked out how you would do it.

MRS. VETSCH: Well, after three hours of discussion we didn't come to a consensus, but the model most talked about was something like this: federal government, native self-government, and then we called it local government. I think that could be municipalities or provincial. We would like to get away from those kind of drawn-up boundaries and think more of an ecological locality, local community, so that there would be federal, native self-government, and then the areas where you live, and the common boundaries that are created by ecological boundaries and not provincial boundaries.

MS BARRETT: Okay. So shared jurisdiction right now, which includes air, right?

MRS. VETSCH: Right.

MS BARRETT: How do you handle it though? If you've got a provincial government that says, "Well, I want a particular type of mill," and the feds say, "Oh, that's going to go beyond our standards for effluent," what do you do?

MRS. VETSCH: We saw one good example that we felt was excellent. That was the Al-Pac 1 hearings: joint federal/provincial hearings, blue-ribbon panel, recommendations made. Unfortunately, we know that the recommendations didn't come about. But that's the kind of model, and it worked. The panel was satisfied; the participants were satisfied.

MS BARRETT: So it was negotiation.

MRS. VETSCH: Yes.

MR. McINNIS: Lorraine, I'm very much intrigued by the idea of putting forth an ecological vision as a kind of a national purpose for our country, Canada. It seems to me that that's not really incompatible with local government or local decision-making, because you have broad principles of ecology, but then you have local people who know best how it works in the local area. To incorporate that, I wonder if you or your group have thought about its relationship to the basic laws, the Constitution of the country? Some people feel that, for example, it should be unlawful for governments to be able to do certain things which might destroy or harm our environment, and to build that into the Constitution of Canada. Is that an idea you would support?

MRS. VETSCH: Yes.

MR. McINNIS: All right.

MR. CHAIRMAN: Other questions?
Yolande.

MRS. GAGNON: My first question follows on the same lines as John's: would you agree that we should have an environmental bill of rights, for instance?

MRS. VETSCH: Yes. We've talked about that a lot.

MRS. GAGNON: Both federally and provincially?

MRS. VETSCH: Yes.

MRS. GAGNON: Secondly, if aboriginal peoples have self-government, would they be subject to the same environmental laws and regulations and so on as everyone else?

MRS. VETSCH: We talked about that, and that's where the trust came in: that we have to trust the aboriginal peoples to self-govern and define what that means to them. We don't tell the United States how to govern their country; we trust. Well, we're not always happy, but we let them do their business. It has come time, we feel, in Canada to trust the aboriginal peoples, because perhaps they had the right ideal all along. Maybe we could learn a great deal from them, and maybe it's time that we sat and saw how they would self-govern. We have to trust them. It's not our decision to make. It's their decision to make.

MRS. GAGNON: Thank you.

8:56

MR. CHAIRMAN: Are you saying that the aboriginal nations would not be subject to the Constitution of Canada?

MRS. VETSCH: I think it's a big, self-defining role. They would have to see if their nation would be part of Canada. Land claims have to be settled. I wouldn't want to guess what they would see to be appropriate. I would want to hear what they consider to be appropriate. I don't know if they would buy into the Canadian Constitution or not in the end. It's difficult to say.

MR. CHAIRMAN: That's a very interesting point.

MR. BRADLEY: I'm very intrigued that the suggestion is that the federal government should have the responsibility for final decision-making in environmental matters, having had some experience in this. We've seen where the federal government has set national standards in certain areas and Alberta's provincial standards far exceeded or were higher standards than the federal standard. So in terms of quality of environment in Alberta, if we went and applied the federal standards, we'd actually be lowering our environmental quality in this province.

I can give you some other examples of where the federal government has had jurisdiction for environmental matters in Alberta. For example, the townsite of Banff in terms of responsibility for sewage treatment did not meet Alberta's standards for a number of years. I can also give you an example in the native area: the Peigan Indian reserve in terms of soil conservation. Because of the agricultural practices there, which did not meet Alberta agricultural practices standards, we could see soil virtually blowing off that reserve year after year. So it may be nice to suggest that we should transfer this responsibility to the national level, but in a number of areas those national standards are much lower than those which we have set here in this province for ourselves.

MRS. VETSCH: I wouldn't want you to think that by suggesting we are assuming that a federal level looking at these issues is at present doing the right thing. That's not necessarily so. The federal government has been dealing with provincial governments based on provincial boundaries. If we were to move to a model which looked at ecological boundaries, then you would have a different perspective feeding up to the federal level. If you're sharing a watershed with somebody, it's completely different than being in one town with a mill, for example, pumping effluent downstream to somebody else. If you get the benefits of the mill in your town and you're upstream, you don't much care, but if you're sharing a watershed and the concerns of the people on the watershed are feeding through to the higher level, which we could only see as federal – and I don't know if that's the right place for it – it would be different.

MR. BRADLEY: I appreciate what you're saying there in terms of transboundary issues. There are examples where provinces and the federal government have come together by agreement to handle these things. One is the Prairie Provinces Water Board, which handles the Saskatchewan-Nelson rivers basin system.

MRS. VETSCH: Yes, there are some good examples of joint works, and the Al-Pac 1 model was one that we thought was great.

MR. CHAIRMAN: I just have a little point I'd like to make. I'm always intrigued by representations that the federal government can do things better. Whenever you mention the subject of aboriginal rights, I remind people that since 1867 the federal government has had the sole responsibility of dealing with the aboriginal peoples of Canada. I ask the question: do you think they've done a good job?

MRS. VETSCH: Well, I don't think that it's our role to have any level of government deal with the aboriginal peoples. The aboriginal peoples are here, and they have the right to deal with their issues in their own way. Just because their traditional way of dealing with things may be different than ours doesn't mean that we can't trust them to operate. I agree; the federal government has done a terrible job on aboriginal issues. I hope it doesn't sound like we're saying that the federal government is, as it stands, the place to do this. It has to change too. I think we have to start getting away from thinking about dealing with the aboriginal people and let them deal with themselves.

MR. CHAIRMAN: The point I'm making, though, is: why do you think they would do a better job in dealing with environmental issues?

MRS. VETSCH: Oh, than they have with the aboriginal issues?

MR. CHAIRMAN: Or delivering the mail.

MRS. VETSCH: Yeah. It would have to be more than just turning . . . If we kept everything as is and turned the responsibility over to the federal government, we would be in trouble. But if we were to redefine boundaries and so forth, then I think the jurisdictional squabbles perhaps would be different and would be more based on environmental concerns and the wish to protect everyone, even if there are economic benefits on one side.

MR. CHAIRMAN: Well, thank you very much. You've made your point very well.

May I just make the next announcement. We are very honoured this evening to receive a representation from a very distinguished Albertan who has not had for the last six years an opportunity to state her personal and private opinions with respect to constitutional or any other matter on her own. Helen Hunley is here this evening and I understand would like to address us. She has just finished a distinguished career as the Lieutenant Governor of this province.

MISS HUNLEY: Mr. Chairman and members of the committee and to all, thank you for your welcome to this gathering. I understand that I have 10 minutes in which to make a brief comment. There are so many things that it's difficult to select the items which I feel have not yet been addressed that I've read about during the time that I've been able to think and read about this.

It will come as no surprise to you that one of the items I wish to address is the role of the monarchy. As a democracy with traditional ties to the monarchy many Canadians have high regard for and sentimental attachment to our Canadian Queen and other members of the royal family. Pomp and circumstance are often scoffed at by some, but by and large citizens enjoy the glamour which surrounds royal visits and other similar events. Everybody loves a parade and wants some excitement and beauty brought into their lives, which are often somewhat drab, and sometimes exciting, and this does add a dimension to our society. That has been my experience.

Over and above the practical side provided in Canada by the viceregal representation of the Governor General and the Lieutenant Governors, the overriding powers of the viceregal officers should seldom be used, but it is useful to have them in the event of a crisis when there is no time to have decisions made by the courts. The power of reservation is important not because of the power it grants the viceregal officer but because of the power it denies to others when the country or a province is in a state of crisis. I believe we in Canada treasure the tradition of our relationship with the monarchy.

As a neutral office the viceregal person is widely appreciated at important local events when a political figure is not necessarily welcomed with the same enthusiasm. More and more Her Majesty is divesting the throne of involvement in our national affairs, and this is reasonable and proper in a nation and a well-developed society. However, it would be a loss to our tradition if all ties were to be severed. We need and want a head of state who is free of political biases. When we stop to think about the abolition of the monarchy, we think of a severance of part of our history from the beginning of the development of our country. As I thought about it, I wondered how we would then address the Royal Canadian Mounted Police. I remember the issue in Alberta when it was talked about, the fact that they would eliminate "Royal" from the title of the Royal Canadian Mounted Police and the strong submissions against that. I thought about the Royal Winnipeg Ballet and The Royal Canadian Legion and all of those whose great desire has been to achieve the title "royal" as part of their recognition of excellence and part of our tradition.

9:06

More important than the preservation of our traditions is our heritage and the prospect of this issue being raised at this time that's troublesome. If it should become part of the debate as to what Canada's Constitution will be like, I anticipate that that will be another divisive issue which need not necessarily be dealt with at this time. There are other things that I think are much more relevant, much more critical, and to bring up the issue of whether or not Canada retains a monarchy would perhaps be a mistake and a misplaced effort. Later on I expect there will be a time for that. Of course, many of us who are my age would not like to see that. But also, if we look back . . . What I heard recently about Ontario I found interesting, where the police themselves were told to omit the oath of allegiance to the Queen and they found that objectionable. They are a young and highly trained and highly motivated group, and they did not appreciate the fact – according to the news, that is – that they were told to omit the oath of allegiance as they were sworn into office as police officers. That was indicative to me that it isn't only old folks like me that feel this great tie to our Queen.

Because of the restraints of time, I have eliminated some of the notes, Mr. Chairman. I wanted to comment particularly also about what happens now, when you close the hearings that are presently being held in Alberta. I understand that it's the intention to bring forward a report from the committee to the Legislature. I'd like to respectfully suggest that when that occurs, the House adjourn and become Committee of the Whole and again allow some public submissions if there are any issues which have not been raised during the course of your hearings. Following the debate upon this report and on the resolutions, I believe there should be a free vote in the Legislature, and that would be guidance only for the Alberta negotiators when that time comes to make the constitutional decisions for our country. It could not be binding, but certainly it would be informative and would provide guidance. If it were binding, why negotiate? Just send them a message if you can't negotiate.

Canada's been built on give and take, and that's how we got a Constitution to begin with: with some give and take and some negotiation and compromise. So that would be essential. But it would once again clarify and make available to anyone who has not yet had an opportunity – or if some issue comes up where perhaps some guidance is needed, an appearance before the Committee of the Whole would be, I think, very useful and dispel once and for all the hue and cry that the people are not being heard, though the opportunity to appear at public hearings such as this is certainly very valuable, and I understand they're being well attended.

If I have a moment or two more, I would like to comment on the aboriginal peoples. Financial matters and land entitlement should be agreed upon as early as possible, should be high priority with the federal government in consultation with the provinces. I believe that they should be settled expeditiously. I look with some pride at our province, which has dealt with the Metis associations in some instances and has made great progress in settling some land claims and establishing some guidelines. I think that Canada could look to those for guidelines for development. I do not believe that aboriginal peoples, the reserves, should become sovereign nations unto themselves. I cannot imagine a country the size of Canada possibly even managing with many little sovereign states here and there throughout this great country.

The same thing applies – it's my attitude and I believe that of the many people to whom I've spoken – about the province of Quebec. I do not believe that Albertans are anxious to see this country dismantled. I believe they have a great concern and a great desire for our country to remain sea to sea. I do not believe that Albertans want Quebec to stay in at any price. This has been repeated in my presence many, many times, and I endorse that concept.

The Senate has been debated and discussed many times. I have nothing to add that is not already widely known, but I do believe the Senate does need changing. A triple E Senate seems to be more – what shall I say? – timely, more in keeping with what Canadians seem to feel in many instances. I wish anyone well who tries to change it to equal representation. I believe it would have great merit, and I would like to see some efforts made toward that as we move towards the next century.

Mr. Chairman, there are so many things about our country, my country, that are so valued, and I don't believe that as Canadians we really realize how fortunate we are. I have had the opportunity to attend many citizenship courts and to talk with those who have become new Canadians. It troubles me sometimes when they forget that now they have a new country and a Canadian Queen and they still refer back to the old days, but by and large most of them are happy and excited and pleased and proud, and I think we are as Canadians. I often refer to us quite openly as considering us to be closet patriots, because we are patriotic and we love our country and we do not wish to see it threatened, but we feel a little uncomfortable doing our flag-waving, and I think this is unfortunate.

That hasn't much to do with how the Constitution will look, and I would have appreciated longer in which to develop some other arguments, some other suggestions for the benefit of the committee. I appreciate the opportunity to appear on such short notice, Mr. Chairman. I'm grateful for the opportunity, and I thank you for the opportunity of being heard.

MR. CHAIRMAN: Thank you very much.
Yolande.

MRS. GAGNON: Thank you so much, Miss Hunley. It's truly an honour for us, I think, to hear your wisdom and your experience and your sincerity as one who loves Canada. I would like to ask you what I think will be a difficult question, but it will allow you some more time to speak with us. You said that you would like to see Canada remain as one, sea to sea to sea, and I think many people share that vision. But you've also said that Albertans don't want that at any price. How far would you go? What would be the price? You know, we are not going to go the whole way and give up the whole ship, but how far should we go to maintain our country?

MISS HUNLEY: I think that's an unfortunate question, and if I were to be part of the negotiating committee, I would have facts and figures before me before I agreed to do my dickering. I do not believe that Quebec should receive an overendowment of public funds, and I don't have proof to give you that an undue amount of money has gone to Quebec from grants and so on. I do know the idea is prevalent out there, and it's unfortunate. I keep wishing that somewhere along the way the facts would become known.

I think it was very sad when Quebec made the decision to pass their sign law. I don't think we would have had nearly the problem with the bilingual aspect of our country if that had not occurred just at the time it did. I don't agree that the Official Languages Act has been a success. I think it has been divisive, and I think we should do away with it. I think that we should offer merit pay to a person who wishes to become bilingual and operate in the public service, so let us use the carrot rather than the stick in order to get bilingual services.

9:16

I believe that in Quebec they have the same English – I do not know this, because I have not traveled widely in Quebec. I believe, though, that where we find it not necessary to have our national parks with French signs as well – and I heard that earlier from one of the submissions that was given to you – I believe on federal institutions in Quebec those signs are there. They should be, if they aren't. I don't know what they add to any of us anywhere when we don't really need or speak the language, and I heard the eloquent gentleman earlier this evening speak about such things.

If Quebec should leave, I believe that we do have an obligation to ensure that those who are bilingual and who have a French background and culture need to be protected. That would have to be taken care of and must be done. We must honour the obligation that we had.

I don't have a good and specific solution. I wish I did. No one has. We don't have any Solomons around. We have only a lot of people who are attempting and trying. I think the concern is there, and I feel optimistic that we will arrive at a solution that will keep our country strong. The fact that it's receiving so much publicity is very helpful indeed. It's too bad we didn't talk like this 20 years ago or maybe longer.

MR. CHAIRMAN: Pam Barrett.

MS BARRETT: Yes. What I wanted to do was just suggest that rather than respond to a particular question from me, that maybe you open up your mind a bit more on one or two of the other subjects that you think are quite a priority for us.

MISS HUNLEY: Are you giving me some direction, or are you asking me something?

MS BARRETT: No. I'm asking you for . . .

MISS HUNLEY: Are you giving me another opportunity?

MS BARRETT: You said you've got a whole bunch of stuff and that you'd really like . . . I thought, well, instead of answering my question, why don't you tell us what the other stuff was that you think is quite a priority.

MISS HUNLEY: I see. I did allude to them briefly.

I alluded to the aboriginal people. I'm very anxious to see that press forward. I would be very opposed to allowing them to become sovereign states, which some have stated that they believe they are, a nation unto themselves. I cannot imagine a country with so many sovereign states in it.

I would be opposed, for example, to any changes in the electoral Act by which they were legislated into Parliament. I believe that greater encouragement can be given to all people. I am even opposed to having women legislated into public office. You know, where will you stop? What is an aboriginal person, and where are the guidelines if this should occur? Which has nothing to do with the Constitution, but rather an amendment to a national Act.

MR. CHAIRMAN: Could I just ask you for a clarification? When you say "legislated into office," you have no objection to having women elected?

MISS HUNLEY: Oh, no.

MR. CHAIRMAN: Guaranteed.

MISS HUNLEY: It's been discussed in some of the reading I've been doing that perhaps that would be a way to allow aboriginal people to have a say. I do not believe that this discrimination in reverse would adequately address the problem. Rather, we need to encourage them as much as possible and look with admiration at those who have succeeded. Having been considered one of the minority groups for 71 years, it is possible to make it.

MR. CHAIRMAN: Gary Severtson, and then Fred Bradley.

MR. SEVERTSON: Miss Hunley, you were discussing the process: how you appreciate this select committee, then reporting to the Legislature, then opening it up as a whole, and then going to negotiate. If it was negotiated, do you feel that we'd come back and let the people vote on that agreement, if there was an agreement? Would that be binding then?

MISS HUNLEY: I think government has to govern. There is no way that every individual can – there has to be some leadership. But in order to make the widest possible choice of decisions that Albertans find acceptable, it would be debated in the House. That's the final and ultimate clearinghouse for information. In that House we have people who represent all Albertans, who would listen to anything that is not already brought forward. It would be debated, and I read today – and I'm assuming this is the intention, Mr. Chairman – that the report from the committee will go back to the Legislature for debate. At that time I was suggesting that you must adjourn in order to allow the public access to the floor of the Legislature. This has been done before, in my experience.

MR. CHAIRMAN: Could I just interrupt you to say that the commitment has already been made that we would bring the report into the Legislature and then we would establish the House as the Public Affairs Committee of the House, which is the whole Assembly. The Public Affairs Committee, all members of the Legislature, would sit and hear the public representations. So we have made that commitment publicly, and I repeat it again this evening. It's an exceptionally good suggestion, and we are going to do that.

MISS HUNLEY: I thought it was original; I'm sorry. I hadn't heard it before. I've been reading what everybody's saying.

I was asked earlier about Quebec, how far we would go. I don't have that answer; I don't have that wisdom. But if Quebec wants to leave – I keep thinking of it as a divorce and the Matrimonial Property Act – I don't believe the Matrimonial Property Act should apply in this case. I believe that there should be a fair division of assets and liabilities if Quebec wants to leave us. They should become a sovereign nation unto themselves. Hopefully, they wouldn't expect us to have passports if we wanted to visit there; we don't have passports to go to the States. It's a terrible thing to even contemplate, but we must think about that as we look at the long view of our country and our nation. So if Quebec wants to leave us, they should have their own monetary system, their own defence forces, their own postal service. All other national services which are currently provided by the federal government using Canadian tax dollars would then become the responsibility of the sovereign state of Quebec. I even have trouble trying to say that.

Negotiations would have to be included to provide for the Trans-Canada Highway, for the St Lawrence Seaway, for anything that is very important to continue to bind the east and the west, even if we do have this terrible – one of the children missing from the middle. The provincial boundaries would need to be decided. If we decide to go back to the beginning of Confederation, and I don't believe that's possible, but if it were, then what would Quebec itself look like? I'm not sure, and I wish I knew, how much discussion such as this was occurring when they were doing their decision-making in the province of Quebec. I hope that this committee does have that and that by the time they sit at the table, the people of Quebec have thought through the implications of such a drastic measure.

I don't believe negotiations should be bilateral, but I do believe the territories should be included around the table, all provinces and the territories. But if you can't get Quebec to the table, I'm not sure how that could be done.

MR. CHAIRMAN: Thank you. I was going to say "Your Honour," but I know that's . . . Thank you, Miss Hunley.

Fred Bradley, did you wish to make a brief comment?

MR. BRADLEY: I just had a brief question that came from Mrs. Gagnon's question relating to bilingualism. You stated that you thought the Official Languages Act should be repealed and expressed some frustration with the Quebec decision regarding the sign law. I've asked others who've participated here today regarding language policy. Do you believe that language policy would be better vested as a responsibility of the provinces and that if it had been a matter of provincial responsibility, that may have ameliorated some of the divisiveness in Canada regarding the bilingualism policy?

MISS HUNLEY: No. That's a question to which I had not directed my mind as being a provincial issue. I have been very interested in New Brunswick and their approach, which, as near as I know, has seemed to be working rather well. I do believe that if we do away with the Official Languages Act and rather encourage and publicize the great advantage to be held by being a bilingual person – and I believe that's why some people are putting their children in French immersion; it's not a great patriotic gesture. Rather, I believe it's long-range thinking of the fact that two languages, or four or six or eight, enrich the individual, and that is one great advantage to those who encourage their children to be bilingual.

9:26

But I believe to make it essential in order to rise to the top in the public service . . . It should be based on merit pay. If you want to get some more pay for it, get it yourself, but don't get it at public expense the way it's been obtained in the past, from my personal knowledge. It would be an extra attribute for you when you applied for a job or applied for a promotion. You could upgrade your skills and you could upgrade your status and your category in the public service if you were bilingual, and you could be paid additional for it as an additional asset. Use the carrot approach rather than the stick in order to get bilingualism. But if Quebec leaves us, then who needs it, other than to protect the rights of those who live outside and do the best we can? It was mentioned earlier: what about the Anglophones that live in Quebec if Quebec leaves our country? That, of course, would be something we couldn't do much about except by trying to influence them, and Canada does have influence with other countries and hopefully would continue to have with this anomaly that exists in our midst.

MR. CHAIRMAN: I think we have time for one brief question.

MR. McINNIS: Thank you. Miss Hunley, my question relates to that portion of your submission about the viceregal powers in times of emergency and crisis. I certainly agree that that's where you find out what institutions and people are made of, under those times. I thought I understood you to be referring to the powers of reservation and disallowance, which are viceregal powers under our Constitution. I'm not an expert in that area, but I don't think they've been used since the padlock laws in Quebec, possibly the press censorship laws in Alberta. Are you thinking that those powers should be used by the Lieutenant Governor under direction from a senior government, or without advice? I mean as a kind of an attribute to the office.

MISS HUNLEY: It'd sure be very foolish to do it on your own.

MR. McINNIS: It would be a very difficult responsibility.

MISS HUNLEY: It has been. We think about it when we occupy that position, I can assure you, what I call the what-ifs. The what-ifs often come to your mind when you think of the notwithstanding clause that is now in our present Charter of Rights. You hope that you will never be put in such a position, and it must be used wisely. But there are times, and it has happened. Fortunately, in Alberta it has not happened in the last 50 years. I hope you listened to the one phrase that I thought was the most compelling, in which I said that it is not the power that rests within the office of the Governor General or the Lieutenant Governor; it is the power that is denied to others.

MR. McINNIS: I did hear that.

MISS HUNLEY: That's what you must always have in mind, if it's a crisis situation, which must be the only time that you act. It's always there. When I spoke to many groups and children about the duties of a Lieutenant Governor, I often referred to it as a fire extinguisher that you hoped you never had to use, but if you ever needed it, you were very glad it was there.

There are other times. I look back to Ontario when there was a problem over who would govern when the Conservative government was elected with a minority, and they had to negotiate: would they have another election, or would the Lieutenant Governor swear in the Liberal leader as the Premier of Ontario? There needs to be a referee, and that referee is there. So there is a practical side to it, and the reason the public don't always know about it is because it must be used wisely if it's ever to be used at all. It's there, like the fire extinguisher, in case it's needed.

MR. McINNIS: Thankfully, we're not in a crisis very often.

MISS HUNLEY: Yes.

MR. CHAIRMAN: Well, thank you very much, Miss Hunley, for your very sage and wise advice after many years of experience and service to this country of ours and to our province. It is always a delight to see you, and we thank you very much for your presentation.

MISS HUNLEY: Thank you.

MR. CHAIRMAN: Ladies and gentlemen, now is the time for some people who want to come to the microphone and give us some words. Mr. Clarence Kenway would certainly like to make a presentation, and we would certainly welcome his views. We're not being rude, Mr. Kenway, but some members may just want to get a cup of coffee. Please proceed, and please speak right into the microphone so we can all hear your advice.

MR. KENWAY: Mr. Chairman and members of this committee, I'm very thankful that I'm given the opportunity to voice something from a single citizen who is part of the living history of this country. I've been raised at a time when oxen were used, and then horses came after and tractors afterwards, so I've seen a lot of changes in Canada. I was born in the west, in Saskatchewan. I became an Albertan by choice, and I've lived here for a long, long time. I've served this province as a teacher and as an administrator of the government for 48 and a half years in total, so I have seen people of all kinds. I have seen governments come and go, and I have some thoughts on this situation that has arisen in Quebec.

If you look at Canadian history, you'll remember that in 1759 the French lost something that was very dear to them, and that is this: they lost their colony. Well, ever since that time it has been always on their minds that someday, somehow they are going to regain some ascendancy in this country. If you go to old Quebec and if you look at the relics that have been left behind, you'll find engraved in cradle headboards, "je me souviens," "I will remember." That "je me souviens" still lives in their minds. Therefore, we must think differently of Quebec than we ordinarily do. In other words, the soul of Quebec is alive; it's still living. Somehow or other we must do everything possible so that we can live with it, that we can keep this country together as a Confederation "A Mari usque ad Mare," "From Sea to Sea." We should not give up too easily, and we know it's going to be a very difficult task. It's not going to be easy.

Now, if you look at the Allaire report – I've studied the Allaire report very carefully – you'll find that the Allaire report leaves only four powers for Canada, and Quebec wants all the rest of the powers. One power they didn't forget to leave to Canada is the distributing of the money to the so-called poor provinces. In other words, they want to remain sovereign and have us give them some money. Alberta is the biggest giver of all in that respect, and it gets practically nothing in return from the federal government. In other words, even rich Ontario gets something. Well, all right; this may set us to thinking that maybe there's something that's got to be done to change this.

However, I think our biggest problem right today is to keep Quebec within a confederated Canada, not at any price but at least with very severe negotiations, very intense negotiations. Let us negotiate what powers we're willing to exchange to the federal government and what powers the federal government should grant to Quebec.

In making my written submission, I made notes carefully. So that I don't take up too much of your time, I'm going to go point after point in this case.

Now, in the division of powers, if you look at the Allaire report, you'll see what they want. I would recommend to this committee, as a citizen that has had considerable experience and responsibility in this province for administration at the government level, that under no circumstances should we share such matters as fisheries, foreign policy powers, the post office, telecommunications, because the minute you share fisheries with Quebec, you're going to have disputes over territorial waters. You're going to have disputes as to what Canada can prevent and can't prevent. You have two islands at the mouth of the St. Lawrence River, Saint-Pierre and Miquelon. What will Quebec do with regard to French fishermen in there if they separate? Right now we have that as a problem, and Canada is trying solve the riddle the best they can.

9:36

In the matter of foreign policy the question is: who speaks for Canada? Who shall speak for Canada as a country?

In the matter of the post office, are we going to have two different stamps, stamps from the sovereign state of Quebec and another from the sovereign country of Canada? If I can use the expression, we don't want Canada in the eyes of the world to become what you'd call a political eunuch. In other words, we want Canada to be a country that has clout. It has reached great heights in the international world. We want it to stay that way. By Quebec separating, we are going to lose that prestige.

In the matter of powers of language. Now, the Hon. Helen Hunley has mentioned something about the French and the powers of language. I would suggest to you gentlemen that Quebec will never be satisfied until it has complete control over the language policy within its boundaries. That being the case, I think we can settle that matter by saying that policy on language shall remain a provincial jurisdiction. If a province wants to become bilingual, then it shall have the power to become bilingual. If it wants to foster the French language, then it shall become their power to foster the French language.

Enforced bilingualism has caused more trouble in this country and more cost than you can shake a stick at. We've spent millions trying to make adults completely bilingual. That's silly. If we want bilingualism, it should rise from our school system. It should grow gradually. The love of having two languages should grow with us. We shouldn't have to be forced and say, "Well, you're 68 years old, but you must be bilingual." You take the tramping on the Quebec flag in Quebec, a disgraceful practice. It's a disgrace when we trample on somebody's flag or we burn the flag of a country. It is things like this that make people do these things, and they shouldn't be doing it. We're living in a beautiful country here. We have lots of room to live in, but why is it that we're fighting over language? Let Quebec have their power over language. Let Alberta, let other provinces decide their language policies. I would strongly suggest that such should be followed.

I'm just touching on some highlights on matters of fundamental rights and freedoms. Lots of people say that the notwithstanding clause should be canceled; it should be just one rigid thing that's in that rights and freedoms, but even when they were formulating that clause in this little red book published by Canada, you'll find a comment that was made in that regard. The comment was to this effect: having this notwithstanding clause is like putting a red flag before the bull. The press doesn't like it, because the more adversarial a position you can take, the press can print more papers. The opposition doesn't like it, because the government is always wrong. I mean, the government is always wrong in the eyes of the opposition. Well, of course, that's their job. But the thing is this: hiding behind this Charter of Rights and Freedoms are people who do things they shouldn't be doing. The people are using our courts as a sort of a sounding board for their ideas.

Parliament shall be supreme. Parliament was supreme. A king was beheaded by Parliament because the king was not going to admit that Parliament is supreme. Parliament is the voice of the people. That's what the Parliament is. Parliament shall have the power to do the things people want it to do. The word democracy itself comes from two Greek words, "demos" and "kratia." It means ruling by the people, governed by the people. Also, if you look it up in the dictionary, you'll find democracy defined as the "rule of the majority," not the rule of the minority. The Charter of Rights and Freedoms often switches this around, and the minority tries to impose upon the majority things they think are right. So much for that.

Language. I've already touched on language. No enforced bilingualism, but let bilingualism grow from our schools, from our desires. If you want bilingualism, if we want other languages as well, that's fine. There should be no restriction, but the province should decide. The province should pay for it.

Then reform of the Senate. I'm not going to go into that. I'm sure you've heard so much about reform of the Senate that probably I don't need to enter a petition. In other words, we have areas of widely dispersed people. Why does the diversification of the demographic intensify in each case? We should reform it, and you should leave it to experts. There's the hon. Mr. Clark now that's heading a committee. There may be others that are heading committees. We should reform the Senate in such a way that we as Albertans can be represented in Ottawa with about the same voice, as we should be.

The matter of immigration policy. You notice that Canada signed very quickly a bilateral agreement with the province of Quebec on immigration. They say: the kind of immigrants you give us are not the kind of immigrants we want in Quebec. Yet Ottawa can go out there, and they can bring scads of people from just anywhere they feel like and put them here in Alberta, and you and I and all of us are going to have to support them. It costs $10,000 to teach each immigrant the English language alone. It costs us money to keep them here and so forth. I will submit to you, sirs, that the policy on immigration should be a clear signal to us to sign a bilateral agreement with Ottawa that we the people of Alberta shall have some say on what immigrants we want, where they are to come from, what skills they should have, how many, and when. We should not just have Ottawa decide that suddenly we need 250,000 people. They just let them loose, and then we're left with supporting these people. There's nothing wrong with immigration. We need people. But at the same time, we should have the kind of people that come here and produce things, that make salable goods for international trade. We can trade these things. We can sell so that we can create capital so that we can become prosperous so we can be happy in our country.

Gentlemen, I want to thank you very much for this opportunity, for letting me say these things.

9:46

MR. CHAIRMAN: Thank you very much, Mr. Kenway.

Perhaps if any member of the panel has a brief question, we could entertain that.

One of the things I just wanted to mention about immigration. You mentioned that. Of course, I'm not trying to flog the Meech Lake horse, but one of the things that Meech Lake provided was that every province would have the same right to an immigration agreement that Quebec achieved years before under Mr. Trudeau. The immigration agreement that Quebec has is called the Cullen/Couture agreement. That was arrived at between Mr. Trudeau and the government of Quebec at that time. That agreement was regarded by many as a very special treatment of Quebec. Meech Lake did provide that every province would have the right to negotiate a similar agreement if they wished to do so, but that's history.

Yes.

MRS. GAGNON: Yes, thank you. We've been talking a lot tonight about bilingualism, or linguist duality and so on, but I think it's important to differentiate between the minority language rights which exist in the Charter, article 23, and the federal Official Languages Act. We often confuse the two. So when you say that language should become a provincial responsibility, are you talking about removing it from the Charter of Rights and Freedoms, where it exists as an educational minority right, or removing it from the official bilingualism policy of the federal government, which is quite different, you know, than educational rights in the Charter?

MR. KENWAY: That's a very good point. I should have pointed out that the language of Parliament, of Canada, shall be as was contemplated by the BNA Act; in other words, French and English shall be the languages of the Parliament of Canada. We must recognize the French fact in Canada. We cannot erase it; we cannot be against it. We must recognize that the French were here, and so on. The BNA Act was passed. I think that we should not try to change that. No, what I'm saying is: take the language policy in the province out of the context of the federal government's jurisdiction. Where the federal government has not any jurisdiction in any area, it should not be imposed upon us.

You raised the question of the rights of language. I think that by saying that it shall be provincial policy, necessarily we'll have to remove that. We should not place an onus that we must teach French in Alberta schools if we don't want to. It should be left to the powers of the province.

MRS. GAGNON: Thank you.

MR. CHAIRMAN: Thank you very much, Mr. Kenway, for your years of experience to our province and your obvious real concern and love for Canada. It's very much appreciated by everyone here. Thank you.

I have a number of speakers listed here. I have Kevin Borza.

MR. BORZA: I'd like to just come tomorrow and listen. Almost everything I wanted to say has been said.

MR. CHAIRMAN: Okay, sure. Then I have Chuck Bolton, followed by Bernie Shukalek.

UNIDENTIFIED SPEAKER: I didn't get on that list.

MR. CHAIRMAN: Well, wait. Maybe you're on it.

UNIDENTIFIED SPEAKER: No, I'm not.

MR. CHAIRMAN: Mr. Wolikowski, Walter Doshkoch, Jim Rogers, Kathleen O'Neill, and Pat O'Halloran.

MR. KLAVER: Nobody told me that I had to be on a list.

MR. CHAIRMAN: What is your name, sir?

MR. KLAVER: Cor, C-o-r, and then Klaver, K-l-a-v-e-r.

MR. CHAIRMAN: Okay. We'll try and get you on.

Yes, sir.

MR. BOLTON: Yes, good evening, panel. I'll try to be as brief as possible.

MR. CHAIRMAN: I'm sorry. You're Kevin Borza?

MR. BOLTON: I am Mr. Bolton.

MR. CHAIRMAN: Chuck Bolton. Okay.

MR. BOLTON: That's right.

MR. CHAIRMAN: Kevin said he'd come and hear us tomorrow.

MR. BOLTON: First of all, I'd like to say before this crowd and the panel that I am proud to be a Canadian, and it befuddles my mind that I happened to serve behind the Vandoos in Korea, the French regiment from Quebec, and we never found time to argue. We got along damn well. Just a little joke. I hope people won't mind what I'm going to say. I used to forget the password once in a while. I could say "Black cow" or "Good night" or whatever. My French wasn't that great, even though I do have French culture in my blood right from France. I used to go up to the front at night, up to the observation post, and if I forgot the password, I used to say this word. It was an unbecoming word, but I'd say, "Comment ça va, you son of a bitch." They'd say, "Oh, there's that crazy Canadian, that crazy artillery," but they didn't shoot me.

MR. CHAIRMAN: Obviously not, or you wouldn't be here.

MR. BOLTON: Okay. First of all, I'm going to make one remark tonight about Canada. I think in Canada today it's not just the French issue; I think it's an issue that we've all got to establish within our own conscience, and that is . . . We'll use the motor vehicle as an example. I've studied psychology and psychiatry. At about 5 o'clock at night some people go mad. Well, it's the same way here. I think we've forgotten who our brothers are in this country. We've forgotten the respect – and that's one word that should be underlined, the word "respect" – for one another. That's part of the unity that's going to hold this country or bring it back together.

Last year I stood in my Korean veteran's uniform – I'll just bring this up – in front of Canada Place. There happened to be people from Ontario, Quebec, and the maritimes on a cooperative movement out here. I stood there in my uniform and had them sign a petition: would you like to stay in Canada or see Canada go to hell? That was written in black and white. Eighty percent said they wanted to see Canada stay together. At my age – I'm almost 60 – I do not like a negative attitude towards Quebec or saying that we're going to separate this country. It takes more guts and fortitude to keep it together than it does to say, "Aw, to hell with the French." There's more to it than that. There's more to Canada than that.

I would like to see one thing: a Canadian driver's licence. First of all, I'd like everyone to be recognized as a Canadian. Sometimes I think we've become Manitobans, Albertans, Saskatchewanites, and Vegrevillites, and we forget that we are Canadian. We're all Canadian.

I would like some of those standards to be changed in the school curriculums. I think in the school curriculums in the country we should be taught what we have the ability to do best in our lives, not be geared one way or another in this society that someone else thinks we should go. I mean, one guy might be a great doctor, one guy may be a great mechanic, but I think when you get down to our systems a little lower down, say NAIT and SAIT, we lose this. People are shoved one way or shoved another or are expected to go this way or that way, and they're not able to perform. In the educational system I'd like to see that happen: to be able to function to the best ability. If you're a good bread maker, well make bread.

I hope I'm not getting off of the question of Canada, but I'm going to bring up health care in Canada. May I?

MR. CHAIRMAN: It's very much a part of the issue, no question.

MR. BOLTON: No, I believe our doctors themselves – and I've got one of the best doctors in the province, a GP that I went to for several years who was suspended. He's going great guns again, but he was suspended. I think he had cats and dogs and everybody else on his list until they caught up with him and suspended him. So I think they're abusing the system in Alberta more than anybody else. I think we should all pay a small user fee. I'm a disabled veteran, but I still feel that I should pay – even if it's only $2, $3 – a very small user fee if you go see the doctor. So when the doctor says, "Come back and see me on Friday," it may not be necessary for you to go back and see him, so you bloody well don't go because you're going to have to pay three bucks. You think about it before you go back, and the doctor doesn't make another $25 out of that, or whatever fee he gets.

MR. CHAIRMAN: Well, it's a little bit off the topic, but anyway.

MR. BOLTON: Well, that's part of keeping Canada together, or we won't have a health care system pretty soon.

MR. CHAIRMAN: No question.

MR. BOLTON: Now, one other thing I would like to bring up is about crime in Canada. I've got to address this at this meeting, and this would involve Quebec as well. I would like to see some kind of legislation – I don't know if this is being recorded or not – where there is some policy of a permit for people that pack knives in belts. This is a federal issue. I brought this up with the Attorney General here, and he tells me it's a federal issue. I would like to see the province or the Legislature of Alberta give some direction to the government of Canada to put into place some legislation that it would be against the law to pack a knife any bigger than a penknife without a permit, because there are too many people getting sliced up. I was violently attacked in 1983 by people who wanted money for drugs and may not have even been here to talk to you, so I can speak quite clearly about it.

9:56

Anyway, I'll shorten my conversation here and my topic. I would like to see the country stay together. I liked what I heard the other day on television. I phoned the media when I heard that the Legion was going to stand up for Canada, and thank God. I hope the members of the Legion across Canada stand up and show people what they think.

Thank you very much, ladies and gentlemen.

MR. CHAIRMAN: Thank you very much, Mr. Bolton.

Okay. Bernie, is it Shukalek? Come on up to the front and have a seat.

By the way, if any of you have written presentations you'd like to leave with us, we'll have them photocopied and circulated to not just the members of this panel but our other colleagues who are meeting in Calgary.

Go ahead.

MR. SHUKALEK: Okay. Thank you, panel, for providing me this opportunity. I'd just like to say a few things, and I'm going to be as brief as I can. I wrote a four-page letter, which I sent out to various politicians throughout the country.

I think our biggest problem today is that we have too much individualism ahead of Canadianism. Okay? I think we look at individualistic principles and rights and everything like that. The Charter of Rights, or the Bill of Rights. As far as I'm concerned, I've been here 44 years, and when the Charter of Rights came into play, I felt gypped compared to the Canadian Bill of Rights. In order to gain rights, you should show respect and responsibility instead of gaining rights by doing wrong, and that's what I think the courts have to look at. Gaining victims' rights is very important. Okay? A victim never seems to be looked at when it comes to somebody doing wrong to them.

Overall – I have a sum-up here – I believe that the government and opposition parties have to look themselves in the mirror and face the truth. We're all afraid to do that, no matter what, but it is the truth that we have to face in the end. Quit fooling yourselves, us, and our children. Face reality. Work together in harmony, no division. Cut out these divisions by doing away with distinct societies, compensation to individualistic groups, and et cetera, et cetera for one united Canada. We have to look strictly at Canadianism ahead of individualism.

I have a letter, which I'll leave with you.

MR. CHAIRMAN: Any questions or comments? Well, thank you very much. This part of the evening is indeed just for people to come forward and give us their views. We'd like to have a copy, and we'll make copies of that available.

Now, is it Mr. Wolikowski?

MR. WOLIKOWSKI: Mr. Chairman, hon. members, ladies and gentlemen, this is going to be a very brief offering or presentation, which is going to be a little different in scope and perspective than so far. My position, which would represent the view of faith and of the Christian from the mental view, is that we should do everything to keep Canada together not only for itself, not only for our service, but for the glory of God. How the glory of God can enter into the political process is part of our mission to explain and is absolutely beyond tonight's meeting. I would just like to introduce the very notion of it. It's real, it's going to grow in importance as we proceed, and it has a relevant solution for every single political issue that you are going to face.

Now, I just would like to refer to the paper that your task force has produced and which really brings out some very fundamental questions. We've been hearing here whether or not we can face Canada disintegrated: Quebec going apart, so-called First Nations in rebellion. We don't like that view, of course. We feel that this is no good for anybody, but we don't know; we don't have solutions.

My position of faith is that solutions without the help of God will not come, and that we here in Canada have been very fortunate that we do have this fundamental faith starting from the very motto of Canada, which we should be very proud of, because when the founders founded this country, they did not seek the solutions and all inspiration from the wisdom of men alone, but they looked up in the Holy Bible, and said, "Dominabitur a mari usque ad mare." They looked into the Wisdom of Solomon, because this is Solomon's psalm, and said: this is our hope; this is our future; this is our progress. So it is in this context that I would like to develop my presentation, which is not ready as yet, and discuss in detail the major and very thoughtful questions that your Alberta in a New Canada has raised.

I don't want to talk too much tonight, but I do have this point to make: that Christ is the King is not my invention, not anybody's invention. It is rooted in faith, and this faith is very significant and cannot be negotiated at any price. Also, there was at least one outstanding Canadian government leader had this notion of Christ the King as one of the fundamental principles of vision for this country. I'm thinking of Governor General Georges Vanier, 19th Governor General of this country. I think we should draw from his wisdom to go on and build a better country.

Thank you.

MR. CHAIRMAN: Thank you very much, and if you have a written presentation, please leave it with us. Thank you for your thoughts.

Walter Doshkoch.

MR. DOSHKOCH: How are you tonight?

MR. CHAIRMAN: Very well.

MR. DOSHKOCH: Members of the committee, Mr. Chairman, I had submitted a letter to you quite awhile back – I just forget the date – and I want to reiterate what I put on paper to you today.

I want to start by saying that I agree with the people who have said that there is only one Canada from sea to sea. I like the way Abe Lincoln put it when the struggle started in the south. It was an economic struggle, and he said: no one leaves the union, but that doesn't mean we can't change the Constitution. I'm one of those people who strongly believes that Quebec and Canada are two separate and distinct countries, but that doesn't mean to say that we can't have one Constitution. They have a culture, they have a language, and they have an historical boundary that is French Canadian. And they're not French; they're Quebecois. They don't speak French the way they do in France. There's 400 years difference. It's like a Ukrainian going to the old country. When you go there and speak Ukrainian, they say to you, [remarks in Ukrainian], "We used to talk like this a hundred years ago." That's what they tell you, and that's what the Quebeckers think about the French and the French think about the Quebeckers.

So our problem is a question of what jurisdictions. That's the only problem, and I don't think we have to have a great big emotional tirade over this question. I don't think it is a problem. We have other problems in this country. We've decided in our wisdom that we're now part of the international world trade, and what's happening to us? We've allowed the multinationals to come in here and exploit our natural resources. When this is all finished, what's going to happen to us? We're going to be a third-class country. We'll have lots of natural resources, but we're going to have nothing to say.

10:06

In this country, this province of Alberta, the construction industry has the highest productivity. Nobody anywhere in the world can compare. I've worked for many of them. I'm an old pipe fitter and an old construction worker, and I know the industry. This country is the greatest. Nobody compares with us. I don't care where you want to go: the United States, England, the Soviet Union. You can go anywhere you want. Nobody compares with us.

Yet we've allowed free trade to come in here and exploit this country and move jobs. We have a little country here of 26 million people, and we have 13 labour Acts. Christ, that's insane. There should be one labour Act right across Canada, not used as a football in every province. If we're going to go into world trade, then we have to establish world rights for working people. It's in this direction that we have to go if we're going to save Canada and have Canada as a nation for the people of Canada.

In the Dirty Thirties workers didn't have many rights. By 1940 they were dying for this country; they still didn't have any rights. In February 1944 the United States, under Sidney Hillman, who was the labour attaché to Roosevelt – I forget the Russian's name, and I forget the English chap. They established the World Federation of Trade Unions. They established and demanded that a declaration of human rights be regarded as legislation in this new order because people aren't just going to go to war, people aren't just going to die, and people aren't just going to come home and be unemployed. We wanted rights as working people. We needed rights. By 1948 we had a declaration of human rights.

But another thing came along. The declaration of human rights is a motherhood clause. You can't eat motherhood. It's like the weather: you can think about it, you can talk about it, but it means nothing. In 1976 the United Nations passed a Bill that was called the International Bill of Human Rights. That international Bill says that every working man is entitled to a job, everybody is entitled to an education, everybody is entitled to housing, everybody can join a union, everybody can go on strike, and we're going to do it equally. If we want to compete, let's compete on the ability to produce, not using one piece of cheap labour against another worker. This is totally unfair.

Everybody demands freedom, but how do you have freedom without responsibility? You can't have that any more than you can have life without death or heat without cold. If we want to compete, if we want to build a Canada, then we have to build it on that International Bill of Human Rights and ensure and guarantee that each and every nation that we deal with gives the workers and the people in their country the same rights as you demand. This is the direction we should go.

Canada as a country should change. B.C. is an economic unit. Alberta, Saskatchewan, and Manitoba are an economic unit. These units should develop a product and sell that product and not allow somebody to come in and develop it and skim the cream right off it. We want a country for people. We want our children to stay here. We want this country to grow, we want it to blossom, and we want it to be ours. And we want to be damned proud of it. I don't think there is any Canadian here who won't lay his neck on the line for it. It belongs to all of us. We're all equal, every one of us. The reason for that is that each one of us has struggled out of that womb and each one of us lays pretty still in that tomb, and in the meantime we all want our share of sunshine. We have to build a Canada that's going to cover those. We have to develop Canada so that we are each part of it, each make our contribution, and each take our share. That's the Canada I want to see. That's the Canada I fought for, that's the Canada I believe in, and that's the Canada I want for all of us.

Thank you.

MR. CHAIRMAN: Thank you, Walter.
Jim Rogers.

MR. ROGERS: Thank you very much for your tolerance and generosity in allowing me to be heard. I certainly want to endorse what Walter has just said. I've written down here that all Canadians ought to be equal and that the object of having a country is in fact to meet the needs of all the citizens of that country. It should be through our Constitution and through the mechanisms Canadians are able to devise to represent them that all of our needs would be met without running down or injuring minorities or other groups or peoples that are also participants in our nation because they don't meet some particular criteria that are set out by a majority or a majority in a small area.

I wanted to just mention that I've written down on my little piece of paper there that I'm representing native and nonnative trappers in northern Alberta, but I haven't carried on some extensive kind of mandating process. It's just that that's sort of where I'm coming from.

My name, Rogers, is a little bit significant in the history of Canada in that there was a group called Rogers' Rangers that was involved in the capture of Montreal and various things like Queenston Heights and the signing of the treaty with Pontiac at Michilimackinac, et cetera. It strikes me as somewhat of a betrayal of trust that the Mohawks who were granted land as a result of their good services to the Queen, King, and us Canadians in past wars should be abandoned because of some ascendance of a need to appease the group they fought against in some historical battle. We should all be now willing to overlook and grant us all equal rights and some kind of generosity to live together.

I'll bring to your attention a number of distinct points that are of concern to me. I find myself particularly aggrieved that at this time in human history when we as a species on this planet are going to enter into a global population crisis which is going to bring about real confusion across the planet, our nation should be somehow burdened into this stupid exercise of: who's going to get their share of the pie, or who's going to get their wish list granted?

It appears to me that a significant little report came out about two years back, I believe, in Quebec that identified that the proportion of French-speaking people in Canada was declining, that if they were going to call, they had better do it right away, and that their hand at the Confederation poker table was going to be getting weaker hereafter in proportional politics. I find really objectionable that that is now the factor driving our national agenda. I absolutely reject the idea that 60 percent of the people in Quebec or something like that would feel that they have a right to talk about taking their entire province and everybody else, including the other 40 percent oppressed or against their will or compromised, out of the union with the rest of the country and that the other portions of our country should stand around like a bunch of stunned children and talk about: will Quebec leave? It's almost along the same line as: will we trade off Labrador for some population of French in New Brunswick in some high and mighty manner?

All Canadians have an equal right. I accept that we're going to defend the rights of the minorities in Quebec and not abandon those people whether they be aboriginals or more recent immigrants from other lands or English-speaking people of some past history within Quebec. We cannot allow our country to break up like, say, the partitioning of Pakistan and India into some kind of intolerant state where people will be identified for retribution or even murder based on their background or history or who they're seen as befriending like, say, partisans in Yugoslavia during the Nazi occupation or something. That's just absolutely unacceptable and outrageous.

10:16

If there were to be minimally some area of Quebec where the majority of people felt that they wanted to secede from Canada and were going to carry on a tantrum of violence and FLQ post office bombing or something or other unless they got their way, it may be necessary to grant them independence to some degree from Canada, but at the same time we already know that this appeasement path doesn't work. It doesn't work at any level, and it never has. It should be maybe seen that what started off as a policy of bilingualism has now worked us into a position where massive violence could become a real possibility, and great intolerance is being fostered to some degree by the economics of bilingualism, which has allowed that if you want to be a federal civil servant and French is not your mother tongue, then your bilingualism is really qualified.

I do wish that Miss Hunley's vision was the reality that I saw, that people who spoke two languages were rewarded in the Ottawa-Hull capital. In fact, it's been my experience that I was sort of looked upon with derision and scorn for even attempting to speak French there, and that people who were perfectly bilingual but who were not French in their mother tongue were not really considered for many, many jobs.

The concern that I'd have for our Constitution would be that some real consideration should be given to the proposition of proportional representation. It would appear that through a different political process it may be possible to better represent the diverse viewpoints and diverse groups that make up our country and get away from a situation where we have a now expanding number of parties but the majority of people are looking on and voting for the lesser of evils, or we find ourselves with a federal government with 12 percent popularity in the polls governing as if they had an absolute mandate. I bring to your attention that if we have, say, five or six parties on the federal scene, or for that matter the provincial scene, we could end up with 75 percent of Canadians not represented and 25 percent or less . . . Because we get about half showing up to vote, it turns out to be around 10 percent of the population actually controlling the government. Through proportional representation people would be better able to find or ally themselves with a party of some sentiment that would then enter into a coalition, and our country could be then maybe better governed or have more sensitivity to the people that it is intent on serving.

MR. CHAIRMAN: I don't want to force you along too quickly, Mr. Rogers, but I have three additional speakers listed, and it's getting very close to 10:30. I'd very much appreciate it if you could come to a conclusion.

MR. ROGERS: I will. There was one thing: the native land claims. If they aren't just and honourable, then it's theft and fraud. In that case, then, the property reverts to the original owner.

The matter of Charles Ng. I bring to your attention the parallel case somewhat of Leonard Peltier, who was sort of whisked across the border into the United States by members of the FBI and the RCMP working together without hearing or justice at all. His real offence is that he was a native person, and he was dealt with very poorly. The case against him, I believe, is based on affidavits that have been refuted by the woman that made them saying that she was forced to make those statements.

Further to that, then, the matter of the department of Indian affairs, which I see as a department of our government designed and intent on subverting and injuring the natives' aspirations for communication or government or even organizing themselves to be heard coherently. The matter that strikes me is that we have people out here in our government, in our employ, who are seeing their mandate as spin-doctoring history or designing the release of information so that a Harvard graduate couldn't figure out what's going on with our national debt. This great service is being offered to us at our expense.

The one last matter is that we have wandering our streets, and with some intent, right-wing think tanks and CSIS people who are apparently out there with the intent to defend our democracy and aid us internationally and as a society who find themselves leaning towards damage control or trying to censor or twist the Canadian persona and, feeling threatened by that, injuring our democracy in its hope to serve the people.

I thank you very much.

MR. CHAIRMAN: Thank you, Mr. Rogers.
Kathleen O'Neill.

MS O'NEILL: Good evening and thank you. Mr. Chairman, members of the task force, I appreciate the opportunity to put forth these comments on the constitutional issues we are facing today.

Just several days ago we read about Canada being the second-best country in the world in which to live; just imagine that: the second-best country. Yes, this Canada in which we live is indeed a great and bountiful country, and that didn't just happen. It happened because 124 years ago some giants of men and women had a vision of how we could be special and unique in the world and challenged us towards that vision. Through the life span of Canada others have picked up the torch and expanded that vision and made this country greater and more special. Ladies and gentlemen, Canada is working. Everyone in the world knows it but us.

Yes, we have some problems, and some of them are very complex, but none that can't be solved by goodwill and a spirit of compromise that will make the eventual solution a win-win for all Canadians. I for one happen to greatly value the special and unique gifts we have as Canadians: our universal health care and social programs, our higher than average employment standards, our Charter of Rights and Freedoms, our bilingualism and multicultural policies, our living and working together in harmony in spite of our diversity. A model to the world, a beacon of hope: that's how people throughout the world view us. That's why, ladies and gentlemen, it's very unsettling for me when I hear voices talk about a new Canada. I don't know what "new Canada" is and what it means. It sounds to me from what I read and hear that some of the changes proposed are pretty radical and have the potential to fundamentally change the nature of the Canada that I happen to love.

10:26

I don't object to change, and I think we all know that to grow and to be dynamic we are always in a state of flux; we must forever strive for higher ideals. But when change is regressive, when it sets us back, when it has negative consequences, I as a proud Canadian am prepared to fight that change, because, ladies and gentlemen, if we end up with a Canada where individual rights and freedoms aren't considered, where cultural diversity isn't respected, where health and employment standards are compromised, then we will be living in a much different Canada, one which I feel will be meanspirited and self-centred, where money not people becomes the bottom line.

One thing I would bet my bottom dollar on is that Canadians throughout the land want this country to survive and flourish. I believe there is a will out there, and I believe there's a compromise that will be acceptable for all Canadians, and that will preserve the integrity of Canada.

The challenge for all of us, and especially for our leaders, is to guide the will of the Canadian people to that end. If the Canada we love fails, I don't think it's because the people of Canada desire that it fail. I believe that it will be more because we have a crisis of leadership at this time. So in all our deliberations let us look first at the whole. Let's not dismantle Canada. Let's consider the consequences of massive decentralization before we start advocating it, because in a strong Canada we will be able to address our economic, environmental, and social justice problems, and in a strong Canada we will have a strong Alberta.

I thank you very much for being able to put forth these thoughts.

MR. CHAIRMAN: Thank you. If you'd like to leave those notes, or type them up if you want to, we'd be happy to hear from you.

MS O'NEILL: I will. Thank you.

MR. CHAIRMAN: Okay.

Ms Pat O'Halloran.

MS O'HALLORAN: I want to thank you for this opportunity. I understand the day is already much longer than you had anticipated. My remarks will be brief.

First of all, I am a proud Canadian both at home and abroad, and I believe that Canada has great credibility in the world community. Canada has for many years been viewed as a nation dedicated to the preservation of peace and equity. I like that image of my country, and there are a great many peoples who wish to call Canada home.

Canada has an opportunity now to contribute in large measure to the future of the world community. The federalism which is Canada can provide for the rest of the world a successful model which is needed to fashion a world federalism. Instead, at a time when the world is becoming smaller and when people are traveling and moving more frequently, we consider a retreat to an old fortress mentality.

When my children and yours move from one province to another province or territory in this nation, they have a right to universally high standards of education, health care, and environmental controls which are guaranteed and protected by a strong centralist government. I don't want us to be restricted by a rigid preoccupation with local issues and with serving narrow, regional, and purely economic short-term interests. I want us to embrace all regions, all peoples of this country, to enhance our Canadian identity by the richness and colour of our whole family. I want Canada to be a consistent, benevolent, tolerant, responsible, and responsive federal union of its many unique and valued territories and provinces. Such a country will be the model in the world and for the world as we move towards central government in the world community.

I do not want to be part of a regressive and introverted local power struggle. I want to be part of an Alberta which takes its rightful place in a strongly centralized Canada, a Canada which brings the example of our creative and successful federalism to the table which will design the world order for the 21st century.

Thank you. Vive le Canada.

MR. CHAIRMAN: Thank you very much.

Henry Ewasechko. My list comes to an end with you, Henry. I hope we're not missing anybody.

MR. EWASECHKO: Good. I've got the rest of the night then. Is that what you're saying?

MR. CHAIRMAN: Well, you have some time.

MR. EWASECHKO: Thank you very, very much. I really appreciate the patience that you and the committee are showing. Obviously, this is a long, long day for you, but it's a very important topic. After sitting there and listening to all of the opinions and the advice you've been getting, I've concluded that you're going to need two things to come up with a recommendation: one is the Wisdom of Solomon and, secondly, time.

I have a suggestion on how you can buy yourselves additional time. What we're going through kind of reminds me of how a lawyer friend of mine describes a divorce that's going on. Each party hires a lawyer, and the lawyers are committed to discuss and disagree, discuss and disagree, discuss and disagree. In the end the two parties lose, and the lawyers walk away with all of whatever they had.

MR. CHAIRMAN: Gee, we lawyers really get it in the neck, don't we?

MR. EWASECHKO: In this situation we've got constitutional experts. Constitutional experts are discussing and disagreeing, discussing and disagreeing, discussing and disagreeing, and they're tearing Canada apart. My suggestion is that it's time for the politicians to have some courage and take the initiative away from the constitutional experts.

It's time that the politicians in the rest of Canada convinced the federal government to hold the referendum now. Divide the province of Quebec into many areas. Mr. McInnis asked the gentleman here who was the Alberta separatist what he would do if some part of Alberta decided to separate. The guy didn't have an answer. The separatists in Quebec wouldn't have an answer. Some parts of Quebec may vote to leave. My bet is that the largest portion of them would vote to stay.

A very good friend of mine is a Quebecker. Could I just be very brief and give a quick story? I was at a conference in Quebec City. We went out for dinner with this fellow from Quebec City, two guys from Toronto, and a guy from Ottawa. The guys from Toronto were giving this Quebecker a bad time about being French Canadian and things like that. At first I kind of agreed with them, but after about half an hour I realized I had more in common with the guy from Quebec than I did with the guys from Toronto. We used to get a little note in a Christmas card every year from this fellow, because after that we chatted for the rest of the conference. Anyway, he was very sad in one of his cards. He had three sons. They had gone to the CEGEP, and there they've learned to become separatists.

So I feel that there are the intellectuals, the politicians, and the artists that are probably the strong separatists. The ordinary Quebecker isn't. That's why I think it's a time when we should have the referendum. Divide the province up, and the separatists just couldn't control the agenda. Otherwise, if you hurry with your recommendations and solutions, you're not going to have the consensus that you need for there to be unity across the country.

10:36

MR. CHAIRMAN: Thank you, Henry, and I've appreciated the fact that you have been patient and waited till the end of the evening. My panel colleagues are grateful, as well, for the thoughtful comments given to us.

The news media asked me at the outset what I thought I was going to hear during the course of this discussion. I said, "Well, I think we'll probably hear from outright western separatists to people who believe in the unitary state entirely." I've heard both points of view, and of course those are the extremes. They said, "What would you like to see?" and I said, "Well, perhaps we can find the broad middle ground in the perspective from the great majority." I think we've been getting a feel for that tonight from what we've been hearing.

Canadians have one great, enormous, huge, gaping fault, of course, and that is that we've never really learned to laugh at ourselves as a country. I think maybe once in a while we should lighten up a little bit. Maybe I'll leave you with this little story. I was asked once: what's the difference between an American and a Canadian? No doubt you've been asked that question yourself, and maybe you've asked yourself the question. I think maybe the difference is that the Americans have a Constitution which says that they are dedicated to "life, liberty, and the pursuit of happiness," but we Canadians have opted for peace, order, and good government. And there's quite a difference. It may sound boring as Canadians, but quite frankly it is something that is just worth pursuing.

We're going to be going on tomorrow, starting at 9 o'clock in the morning until 5 o'clock in the evening. If at the end of the day we have not been able to hear everybody, we don't have the same flexibility that we had this evening and we will be devising a process by which we will hear other people who wish to give us their good advice. For those of you who do not wish to necessarily come to the microphone, drop us a line, give us your views that way, because we do want to hear from Albertans. Now is your chance.

MR. KLAVER: I was told when I came in tonight that the citizens who come here would have a 15-minute limit to speak.

MR. CHAIRMAN: Yes.

MR. KLAVER: I never had that opportunity.

MR. CHAIRMAN: Well, can you come back tomorrow?

MR. KLAVER: Is there are guarantee that I can ask questions?

MR. CHAIRMAN: What's your name, sir?

MR. KLAVER: It's Cor Klaver.

MR. CHAIRMAN: I'm sorry. I didn't have your name on the list, and it's now a quarter to 11.

MR. KLAVER: Well, was my name supposed to be on the list when I came in the door?

MR. CHAIRMAN: Well, I got a list, and I thought it was people who had asked to be given an opportunity to speak. I'm not trying to cut you off.

MR. KLAVER: Because when I came in the girls never told me. They just said that everybody had an opportunity on a 15-minute limit to speak here.

MR. CHAIRMAN: Well, maybe . . . Go ahead.

MR. KLAVER: Well, as I see it, the squabble in bilingualism for the two languages in this country will go on and on and will never end. The same squabble is in Russia. India had a big problem with it. In the early days they figured the French would integrate into Canada in the English language. I believe they would have if the English language was not such a complicated language.

First you have to learn how to speak it. When you speak it, if you could just look at the alphabet as the keyboard and the letters could be picked up and written, it would be easier for them to integrate into English. But the English tradition of: you add, you never subtract, and we're always right, is the blunder; they are the cause of this dispute. For instance, we have a lot of vowels that change the sound. We have words like "knee," and there is a k. These all have to be remembered. This is the cause, I read in the paper, why between 4 million and 5 million Canadians are illiterate. In Vancouver and some of the [inaudible] areas they have letters because a lot of Canadians born here cannot fill out their own résumés for jobs. Right? So if they can make a language which is simple to learn, the French would integrate into the Canadian. As I see it, in order to get harmony, the best thing now is to grab the two languages and make one language out of them. But the dickering will go on. Separation comes and goes.

I watched *The Fifth Estate*, and there was a girl who kept saying "gyspy" instead of "gypsy." She had a severe learning disability. I went to bed, and I said: "Yeah, 'gyspy.' In 'gosh' the g is pronounced like that; the i is pronounced like that; the y in 'pay' is pronounced like that." Then in the morning I woke up and said, "Well, she has a small IQ," and a lot of us have a smaller IQ. If she has a learning disability, by not simplifying the language I have to say we have an understanding disability. Bilingualism, with 4 million Canadians being illiterate? To ask the majority of the people to pile another language on top of them, I'm just thinking you're asking for the impossible. But the goal is right. He said if they speak French, we don't worry, because if they speak French they think French. That goes for the English too. We are in a situation of two frames of mind: the French frame and the English frame. They keep bumping at one another, and they will always keep bumping at one another.

MR. CHAIRMAN: Thank you very much, and I'm glad we gave you the time to give us your views.

MR. KLAVER: You're welcome.

MR. CHAIRMAN: There's no question English is a difficult language to learn and to learn how to spell. Some people never learn, including some of my colleagues in the Legislature, present company excepted.

MR. KLAVER: I can remember when Reagan got shot in the arm and the reporters were asking for a medical report from the doctor and said, "Sir, how do you spell this?" If I was a Frenchman in French shoes, I would say, "What are they shoving down our throats?" They can't even understand one another.

MR. CHAIRMAN: Thank you very much, and thank you all. Good evening, and we'll be hearing more from the rest of Albertans.

[The committee adjourned at 10:45 p.m.]

8:59 a.m. Saturday, May 25, 1991

[Chairman: Mr. Horsman]

MR. CHAIRMAN: Ladies and gentlemen, it's now 9 o'clock, and I'd just like to make a couple of brief remarks before we commence the discussions.

This is the second day of the public hearing process of this half of the panel of the select special committee of the Alberta Legislature. There are 16 members in total representing all the political parties in the Alberta Legislature. One half of the panel is in Calgary doing exactly what we're doing here. The other half is here before you. During the course of today we will be hearing the representations of people who have asked for a time period. Yesterday, in addition to those who had requested the specific time to come before us, we heard 10 people at the end of the day who made, if I may say so, walk-on presentations. Because of time commitments of the members, however, we are not going to be able do that at the end of the afternoon, and we must conclude sharp at 5 o'clock today. If there's anybody present who wishes to make a presentation who's not on the list today, would you please give your names to the registration desk. The committee is going to make sure that anyone who wishes to make presentations can do so, and another date and time will be made available to the public for that purpose.

At the outset I should tell you that I'm Jim Horsman. I'm the member of the Legislature for Medicine Hat, and I'm the chairman of the select special committee. I'd just like to quickly go around the table and have the other members introduce themselves briefly.

MR. McINNIS: John McInnis. I represent Edmonton-Jasper Place.

MRS. GAGNON: Yolande Gagnon. I represent Calgary-McKnight.

MR. ADY: Jack Ady, the MLA for Cardston.

MR. BRADLEY: Fred Bradley, MLA for Pincher Creek-Crowsnest.

MR. SEVERTSON: Gary Severtson, MLA for Innisfail.

MS BARRETT: Pam Barrett, MLA for this riding, Edmonton-Highlands.

MR. ROSTAD: Ken Rostad, MLA, Camrose.

MR. CHAIRMAN: The secretary of the committee, seated to my left, is Garry Pocock, and we have staff available for anyone who wishes additional information.

We'd like to commence at the outset and welcome Her Worship Mayor Reimer from the city of Edmonton and ask her to join us at the table. The sound system: we had a few glitches yesterday. If anybody cannot hear any of the presentations or comments and questions by the panel, please let us know, and we will try and accommodate you.

Welcome, Mayor Reimer.

MS REIMER: Thank you. Good morning, Mr. Minister and members of the committee. I'd like to first and foremost thank you for the opportunity to speak with you today on behalf of Edmonton city council and indeed on behalf of the people who live in our great city.

As the city of Edmonton's submission to this committee details, people living in large cities make up the majority of Canada's population today. That's in sharp contrast to the scene at our country's birth when fully 81 percent of Canadian citizens lived in rural areas. Given the shape of 19th century Canada, it's understandable that the British North America Act of 1867 focused on provincial and federal rather than municipal roles. Unfortunately, the Canadian Constitution as patriated in 1982 failed to reflect the intervening century's massive urban shift. Cities and, indeed, municipalities still receive no recognition and only passing mention in the Constitution.

In recent decades Canadian municipalities have shouldered an ever expanding array of services, but because of their constitutional position, municipal governments lack the financial and legal authority in most cases to manage their own affairs. The city of Edmonton believes it's time to redress that imbalance. It is time to give cities the means, financial and legal, to accompany their growing responsibilities, and it's time to take the unnecessary guesswork out of being a city or a municipality. As part of the national debate regarding the future of our country, we must review the role and relationship of municipalities with the two other levels of government.

Today the city of Edmonton asks the support of this select committee for three recommendations: we ask the committee, first, to endorse and approve the principle of recognizing and giving status to Canadian municipalities in the Constitution; secondly, to support a mechanism for participation and consultation by a broad cross section of interests; and thirdly, to recommend including municipalities as one of those participating interests. Allow me to expand briefly on each point.

The city of Edmonton recommends that this committee endorse and approve the principle of amending the Constitution to recognize and to give status to Canadian municipalities. Canada does in fact operate with three levels of government, yet the only constitutional mention of municipal government institutions, section 92(8), gives provincial governments exclusive authority to make laws governing municipalities. Thus, the Constitution Act contains no guidelines outlining if, when, or how municipalities should be created or what core powers or authority they should be delegated. This constitutional void enables a province to alter municipal powers, responsibilities, and structures at any point. No legal requirement exists for agreement or even discussion with affected cities or in fact with affected municipalities.

In recent decades the federal and provincial governments have passed down or shed services to municipal governments. Edmonton for one has felt those effects. For example, the provincial family and community support services funding has dropped from 80 percent of cost in 1981 to 54 percent in 1989. Provincial deferral of part of its transportation grant in effect reduced Edmonton's 1991 funding for capital projects. Meanwhile, the federal and provincial governments have unilateral power to pass taxes and fees to municipalities regardless of needs or time lines. Again, examples illustrate my point.

The city of Edmonton set its 1991 operating budget last December. Two months later the federal government added $2.8 million through increased UI premiums, and, even later, provincial increases added another half a million dollars. The city, by contrast, cannot collect or increase tax revenues from other levels of government. Through the municipal tax payment program the province of Alberta now provides the city of Edmonton with grants in lieu of taxes for its properties in the cities, but the weakness of that arrangement became clear in 1990, when the province unilaterally decided to reduce the grant amount; in effect, not to pay their full amount of taxes to the municipality. True, the province heard our protest. Under the proposed Municipal Government Act Alberta would pay the full value of its property taxes, but if passed, this legislation itself could be changed without municipal consent. True, cities can lobby, persuade, and petition, but we lack the position to go beyond these stopgap measures.

A more fundamental solution is needed for this fundamental problem. Constitutional change offers the only way to clearly and consistently define municipal roles and authority. Any other method would continue to leave municipalities entirely dependent on legislation passed by other levels of government.

The city of Edmonton is not alone in its concern. Among the cities adding their voices to ours are Calgary, Vancouver, and Montreal. Next month delegates from all major Canadian cities will consider a resolution calling for a constitutional conference to address this issue.

Precedents do exist for constitutional recognition of municipal governments. Several countries include some guarantee of autonomy for a local government: Japan, Greece, India, and Germany, to name a few. We are not here to recommend a specific model for constitutional definition of Canadian municipalities. That would be premature. First we need more information about available alternatives and how they might be applied in our context.

9:09

Preliminary study indicates the alternatives for a constitutional presence fall into three basic groups. One, a purely symbolic statement regarding the existence and importance of municipal governments. We believe this approach would fail to resolve the real financial and practical problems facing our cities. Two, leaving municipalities under the general direction of the provinces but with a limited number of responsibilities. This alterative would not change the basic structure of Canadian federalism with its two levels of government, but it would clarify the relationship between cities and provinces. Three, giving municipal governments equal status as partners in Confederation with their own allocated powers. This option would significantly alter the number and size of the partners in Confederation.

Let me reiterate: the city of Edmonton does not advocate any one option at this time, but we do seek more than a symbolic statement. It's too early to specify, however, the exact dimensions of a workable solution.

Let's turn briefly now to the city's second recommendation to this committee: that the committee support a mechanism, such as a constituent assembly, for participation and consultation by a broad cross section of interests. The federal and provincial governments have the only formal voice regarding the Constitution, but significant segments of Canada do not feel represented by either of those constitutional partners. The city of Edmonton believes debate about our country's future must involve individuals and groups who were not at the table during previous constitutional debates. As you know, the constituent assembly is receiving attention as a way to draw various sectors, regions, and perspectives to a common table. We support the constituent assembly as one means to that end. Certainly it may not be the only means, but our commitment to the goal of broad-based participation stands.

Closely related to this point is our final recommendation: that the committee's support include a provision that municipalities should be represented at such a forum. Municipalities have a big stake in the constitutional debate that's sweeping our country. For us it offers an opportunity to gain the foundation we need to serve our residents well. Many pressures facing municipal governments result from the absence of any defined role in the Constitution. As long as municipalities are not recognized as a legitimate level of government, they lack a voice in constitutional debate. As long as cities have no voice, they are unlikely to play a partnership role in shaping reforms that affect their future.

As that statement indicates, the city of Edmonton believes this discussion is necessary for the long-term health of municipal governments and the citizens we represent. It is also necessary for the long-term health of our province and our country. Why? First, because more than half of Canada's citizens live within municipal boundaries. In fact, Edmonton alone, with a population of 605,000, is home to more people than either Newfoundland or Prince Edward Island. Cities, even larger cities, have less authority and flexibility than provinces even if they speak on behalf of more citizens.

Secondly, municipalities can point the way to better use of public dollars. Cities meet people on the streets, at their homes, in their lives. They are in a unique position to understand crucial connections among residents' needs. The police officer responding to a domestic dispute experiences firsthand the effects of the poverty cycle. Experience in Edmonton underlines that fact. The Mayor's Task Force on Safer Cities, for example, has documented crucial links between poverty, self-esteem, housing, health, education, crime: links that will help us set priorities and wisely allocate resources. Local wisdom can benefit other levels of government as well. Take the housing initiatives recently announced in Edmonton and Calgary, for example. Thanks to groundwork initiated by committed residents and to partnership among all three levels of government, those dollars will meet identified needs. Well-informed intergovernmental partnerships must become the norm rather than the exception as needs expand and budgets become even tighter. Cities serve as valuable partners.

In summary, municipal governments play a major role in Canadian society and in intergovernmental relations, yet we lack the clear authority to manage our own affairs, the authority to make the best use of time, talent, and dollars, both public and private. It is the city of Edmonton's position that debate on the relationship between our province and its cities is one key to charting Alberta's future. Further, municipal status must enter the federal debate for the good of Canada's future. We ask you to join us in calling for that debate, in seeking municipal partnership at the table, and in endorsing the principle of recognizing municipalities in the Constitution.

Thank you for listening, and now I'd like to invite your questions.

MR. CHAIRMAN: Thank you very much, Mayor Reimer.
Questions? Yes, John McInnis.

MR. McINNIS: Mayor Reimer, I take it from your presentation that the city is not interested in dramatically expanding the responsibilities of municipalities; rather the access to revenues and tools to do the job that's set out for you. Is that more or less it?

MS REIMER: Well, I think a very clear definition of roles. In many cases over the past we've seen this downloading, which is having municipalities take on more and more with a limited financial ability to do so. I think it's a question of identifying responsibilities among the different levels and then looking at how we can work in partnership. I think the housing example, which was a good collaborative effort, is a case in point. Housing specifically isn't a municipal responsibility; nevertheless, through zoning legislation and those kinds of things, we can affect things, but we can also be there at the grass roots to identify what those problems are and priorize them so you get the most effective approach to spending taxpayers' dollars.

MR. McINNIS: Just on the revenue side, looking at the Constitution of Canada, the federal government can raise money by any mode or system of taxation; the province is limited to direct taxation within the province for provincial purposes. Would you see municipalities given a separate taxation power, or would you rather see it in the way of sharing overall revenues between the three levels of government?

MS REIMER: Well, certainly the position of municipalities for many, many years has been revenue sharing. We feel that sharing of income tax is likely the least regressive form of taxation that we have. That's been a consistent position by the AUMA, I think the FCM, and our own municipality.

MR. McINNIS: Just one more, if I may. The constituent assembly: is it city council's position that the city should be able to appoint representatives to a constituent assembly, or should they be elected the same way all of us are from the universal suffrage? Is there a position on that?

MS REIMER: We haven't looked at it that definitively. I think we're just saying we need a municipal voice there. We have our existing organizations as well in place, the FCM and the AUMA. Municipalities need that voice.

MR. CHAIRMAN: Yes, Mrs. Gagnon.

MRS. GAGNON: Thank you, Mr. Chairman. Mayor Reimer, I know that you haven't developed all of your specifics, but have you given any thought to the size of the city which would get this kind of new responsibility and also new authority? Anything over 10,000? Anything over 50,000?

MS REIMER: I think it's a question of recognition of the municipality's role no matter what the size. You know, I can look at some of the counties or towns that surround us. They, too, face the same kinds of dilemmas. If the province decides, as they did, not to pay their taxes this year, it hurts them too. So I think it's a question really for municipalities. Cities certainly play an important role in that, and I think, you know, that with the shift that needs to be recognized, but our view is that municipalities should be recognized regardless of size.

MR. CHAIRMAN: Other questions?
Gary Severtson.

MR. SEVERTSON: Thank you. I guess what comes to my mind: if it's entrenched in the Constitution and 10 provinces and the federal government have to deal with municipalities right across the country, to make changes – as we know, we're talking about making changes to the Constitution now – don't you feel that it would be a lot easier if the municipalities dealt with the provinces in their area of responsibility rather than in the Constitution, where you have a multitude?

MS REIMER: Well, that maintains the status quo, sir, and I don't believe that's adequate. Right now we're very much creatures of the provincial government. They can do with us what they will, and that's the position we find untenable.

MR. CHAIRMAN: Could I just make this point? In Alberta there are three different organizations representing municipalities; that is, the Alberta Urban Municipalities Association, the Alberta Association of Municipal Districts and Counties, and the improvement districts organization. The municipalities in Alberta in effect have not been able to get their act together in uniting in one organization to represent the interests of all municipalities in this province, and it is my understanding that that situation may also be in place in other provinces in Canada. How do you see the Constitution changing that particular situation?

9:19

MS REIMER: Well, I think improvement districts or MDs or counties or whatever are again creations of the provincial government. It's you who have set the definitions as to what form and structure a municipality would have. You've got a great range, for instance, in the size of hamlets, in the size of counties, and again with improvement districts. We had a meeting earlier this week with representatives around the province to look at some very common issues, and a common theme did emerge, and that's the one of the downloading of responsibilities onto municipal government. I don't think there's anyone who would not advocate that case from any level of municipal government in this province.

MR. CHAIRMAN: Well, thank you. It's a very provocative notion. Amending the Constitution, as we're looking at now, is very complex in trying to get 11 governments to agree and with the territories of course making a valid claim to further participation in the process. I'm a little apprehensive about the ability to achieve constitutional change in the future if every municipality in the country were to be part of the process, but you make some very valid points about the responsibilities.

It reminds me, though, of my former colleague in the Alberta Legislature who also served as an alderman in Calgary, then went on to become an MLA, and then a Member of Parliament. John Kushner, now deceased, was well known for his malapropisms. A good guy, but he said: well, there's only one taxpayer: you and me. It makes the point, though, that we all do represent the same group of people and that there's only availability to one tax base.

Thank you very much, Mayor Reimer, for your presentation and for your thought-provoking comments.

MS REIMER: I'd just point out, Mr. Chairman, that we're asking that you give status. That doesn't mean you have everyone at the table with voices. I recognize the logistics of that. I would point out that many years ago the Prime Minister never met with the Premiers, there were never meetings with the various ministers, and that certainly changed. I think certainly something could happen in the province where the Premier and the ministers consult with the municipalities in a structured manner to develop policy.

MR. CHAIRMAN: Thank you very much.

MS REIMER: Thank you.

MR. POCOCK: Mr. Chairman and members of the committee, our second presenter this morning is Fred Bentley.

MR. BENTLEY: Thank you. Members of the committee, I wish to first express my thanks to the Legislature and the committee and the people who are participating in these very important meetings. My name is Fred Bentley. I'm an agrologist, a professor emeritus of soil science. I represent myself here this morning, but through conversations I believe I represent a considerable number of people.

Thanks, or no thanks, to Meech Lake and Mulroney and some other associated events most politicians are now perceived as lacking in leadership and having self-serving, power-seeking, self-glorifying aspirations. As a result, there's currently great distrust among many people. Some of us seek ways and means to make our elected representatives more responsive to the wishes of the people. Copies of my submission have been distributed. I'm going to speak briefly about the things that are in bold face.

Let me first say loudly and without reservation that I want a lot of constitutional changes. Particularly I want a strong federal government. I am and was emphatically opposed to Meech Lake because it proposed to give more power to all provinces, not just to Quebec. I want a Canada where all citizens are free to establish residence, to live, and to work without any provincial limitations. I also want a Canada where regardless of ancestry or where one lives there are the same basic provisions or protections for education, employment, health, justice, and social services.

There are two aspects of Meech Lake I support: bilingualism, because it is essential to maintain Quebec in Canada; I also support the distinct society concept provided it is defined and then acceptable and also includes aboriginal peoples as distinct societies. I want Quebec to stay in Canada. If it is to go, then that's to be, but I'm unalterably opposed to special powers for Quebec other than the two I've mentioned. I'm specifically opposed to the provision for it to have special powers or privileges with respect to immigration.

If Quebec chooses to go, then the separation should be complete and based on the boundaries of 1867 with the possible exception of negotiated exchanges of land to provide a corridor from Ontario to eastern Canada. I don't think there's any possibility that Quebec would separate given the boundaries of 1867, because it would lose the bonanza of James Bay, which gives it financial security beyond any other state or province in North America for decades ahead.

Quebec is wrongly perceived as being financially favoured by the federal government. To correct that misinformation, I would like to see a constitutional requirement for there to be an annual state of Canada report, not unlike this OECD, in figures but very much simpler. It would inform Canadians about our governments, ourselves, and how we compare with others. I would have such state of Canada reports as an insertion in the income tax forms and available to anyone else who might desire to have copies.

I should like to see great changes in our election procedures. The principal objective would be to reduce the farcical bidding competitions that characterize our provincial and federal elections. Elections should be at fixed intervals, perhaps four or five years. Limit the number of years that MPs and MLAs could serve to perhaps 15 or 20 or 25. When candidates file their nominations, they should be required to file simultaneously a personal campaign platform, and political parties should similarly be required to file a platform for the campaign. There should be mechanisms for recall or impeachment of elected representatives for appropriate cause, and a ban on reporting or holding polls for the six weeks before an election. If the Senate is retained, it should be elected, perhaps limited to two terms, and should have specific, meaningful responsibilities. In order to meet the disparity in populations, the number of Senators for the rest of Canada should be in the order of 50 percent more than the combined Senators from Ontario and Quebec. So we don't elect massive majorities in Legislatures or Parliaments from a minority of votes, change the voting system to either single, transferrable vote or preferential vote.

9:29

The federal and provincial governments have welshed grossly and repeatedly on treaties with our aboriginal peoples, or they have failed to make them. This week the European Parliament recorded criticism of Canada's treatment of its native peoples. The record of our governments in this area has been a humiliation and a disgrace to right-thinking Canadians. Constitutional changes should be made to terminate this, and that should be a highest priority.

I desire constitutional changes to give the federal government a greatly increased role, financial responsibility, and general responsibility in the area of education. We compare badly internationally in the school dropout area, the capability of our school leavers, and the facilities for some of our higher education. Improvements are essential if we are to be competitive, about which we talk so glibly and do so little effectively.

I want changes to give the federal government a greatly increased role, power, and responsibility in the area of the environment. It is arguable that on a per capita basis we are the worst polluters in the world. The European Parliament this week recorded concern about our environmental responsibilities.

I want constitutional changes to give the federal government responsibility and power to ensure that the justice system operates with necessary dispatch. Today's paper in Edmonton again reports that someone accused of a serious crime has had the charges stayed because he didn't appear in court within a reasonable time. This is intolerable.

Lastly, I want the federal government to have primary constitutional responsibility to improve labour laws and labour relations and to protect workers and the public. Some employers evade the spirit of fair employment. Combative relations between some unions and their employers are destructive, and some unions blatantly rip off the public and the economy.

Ladies and gentlemen, I've been in over 50 countries. This is the best country on earth that I know of. We have potential that is unequaled, and the divisiveness and disarray of recent years, and months especially, are dividing the country, endangering our future. Let us get together as one country and see that we attain our potential.

MR. CHAIRMAN: Thank you.
Questions? Pam Barrett, then Jack Ady.

MS BARRETT: Thanks. Thank you for a very thorough analysis. I have one question only. You position yourself with respect to Quebec and make it clear that you'd like Quebec to remain a part of Canada because it's part of the definition of Canada, but you say the one power you really don't want them to have any greater than they have right now is with respect to immigration. My question is this: given that in an unwritten form Quebec has had power to have more immigrants channeled to its province and specifically Francophone immigrants, would you want that taken away, or would you want that left as status quo?

MR. BENTLEY: No. I may say that I am opposed to immigration of any kind, but I especially don't want the restrictive conditions that now apply, as you say unofficially, for Quebec. This should be one country with one standard for immigration and not by the present objectives.

MR. CHAIRMAN: Could I just follow up on that? Mr. Bentley, it's not an unwritten agreement; it is a formal agreement between Quebec and Canada which was arrived at between the Trudeau government and Quebec. It was called the Cullen-Couture agreement. It is a formal agreement which in effect gave special status to Quebec for immigration matters under the aegis of Mr. Trudeau and his government.

MR. BENTLEY: Mr. Chairman, my response to that is that what the government of Canada has done, Canada can reverse if we have the will and if this is a majority preference.

MR. CHAIRMAN: But it's an agreement. Are you suggesting that one party can break an agreement without the consent of the other?

MR. BENTLEY: Is it a constitutional agreement?

MR. CHAIRMAN: No, it is not.

MR. BENTLEY: Well, let's change it then.

MR. CHAIRMAN: Well, one of the principles of contract, whether it's between an individual – yourself and your neighbour – or governments at the federal level and the provincial level, is that you honour your commitments. You're suggesting that one party should be able to unilaterally walk away from an agreement.

MR. BENTLEY: In terms of this, when we're talking of constitutional change, I think it appropriate to make a constitutional change.

MR. CHAIRMAN: Okay. I just wanted to be clear on that point.

MR. ADY: Mr. Bentley, I believe I heard you say in your presentation that people are under the erroneous understanding that Quebec has been favoured by Ottawa financially. I'm not sure how you could draw that conclusion when all the studies on that issue, specifically Prof. Mansell and other studies that have been done, clearly indicate that they've been a net benefactor. We look back to the days of our own national energy program when there were vast sums of money taken out of Alberta and laundered through Ottawa. During those years Quebec was a vast beneficiary, above the rest of the provinces in Canada. How do you draw the conclusion that they have never been favoured by Ottawa above other provinces financially?

MR. BENTLEY: I have seen the graph in the publication that was produced in connection with these hearings, and what you say is shown to be so there. I recently received from Edmonton MP Scott Thorkelson his quarterly report, and in there he has a table he attributes to the Fraser Institute which shows the total federal funding of government spending per capita in 1988. The lowest was $4,030 per capita to Alberta. The next lowest was $4,219 per capita to Quebec. Ontario was $5,330, and you go up mostly from there. B.C. is the only other province with less than $5,000. These are more recent statistics than those in the publication that was distributed in preparation for these hearings.

MR. ADY: If I could ask you, what period of time is that? I believe I've seen that.

MR. BENTLEY: Nineteen eighty-eight.

MR. ADY: That may be true for 1988, but I'm talking about the last 15-year period.

MR. BENTLEY: Mr. Ady, I'm reminded of several years ago when there was very vehement criticism that Quebec was being favoured in the funding for regional development or some such. They had 148 different grants, Alberta had 13, Ontario had 27, and so forth. This was the basis of very sharp criticism. However, Prime Minister Trudeau in Regina pointed out that on a per capita basis Quebec was second lowest in the funds received under that program. A well-known news media man, Charles Lynch, said subsequently that it doesn't matter; Quebec still had more grants in numbers.

9:39

This is the kind of misinformation I'd like to see corrected by a report on the state of Canada, which I would like to see prepared not by a government agency but as a very factual thing that would give objective figures so we'd know about these things. I would like to see in it not only for the current or past year but 10- and 30-year comparisons so we could see something of where we've been and where we're going. It would in effect be a report card from our governments to the people of Canada.

MR. ADY: Well, I suppose we can make statistics say whatever we would like to say, but I would have a difficult time totally discounting Prof. Mansell's work in this area.

To leave that alone for a moment, I'd like to move on to another subject. You indicated that you were very anxious that Ottawa play a very major role in the administration of education across Canada. As you know, Ottawa has jurisdiction in our province over one area of education totally, that being on Indian reserves. Could I just ask you how well you think they have done in administering education on Indian reserves in this province?

MR. BENTLEY: I'm looking ahead, not back. I know as well as you do that education for our native peoples has not been well done, and there may be more than one cause for that, but we're trying to look ahead to build a Canada. Surely education is one of the most fundamental things to the future of the country and to the characteristics of the country, and we should at least have some basic provisions, standards. We've had the situation where students graduating from high school in one province couldn't go to universities in another because they weren't deemed comparable. We've had the recent controversy, including the Minister of Education for this province saying that we don't really know whether our dropout rate is higher than others because we haven't a basis for comparison. We can establish basic standards. We have had for a long time the federal contribution to postsecondary education. We can use those mechanisms to leave much of the responsibility in the provinces but with national standards and some basic similarities.

MR. ADY: Well, you're off on a bit of a different issue, and no one can argue that we have to put a very high priority on education. However, back to my original question. I think we have to consider that the federal government presently has jurisdiction over that segment of education in this province and presently it's not all that successful, especially when native people themselves are vanning their students off reserves to schools in other jurisdictions operated by the provincial government. I think we have to look at the track record of someone and assess that when we consider giving them additional responsibilities in an area.

MR. BENTLEY: Well, if you're going to talk about track records, according to the media reports and even quoting some of the elected representatives in Alberta, our track record with respect to dropouts is bad, and we don't know how bad it is. The provinces have had responsibility.

MR. CHAIRMAN: Thank you very much, Mr. Bentley. I just want to make a brief comment about the European Parliament. You referred to it. It reminds me of a biblical quotation: if you see a splinter in your neighbour's eye, be sure you remove the log in your own eye before you comment about the other side. Europe's rivers are sewers, and we know that.

MR. BENTLEY: So is the Saint Lawrence.

MR. POCOCK: Our next presenter is Gerry Beck.

MR. CHAIRMAN: Welcome, Mr. Beck.

MR. BECK: Mr. Chairman, ladies and gentlemen of the committee, thank you for letting me speak today. In 1956 I came to Canada. I came to Alberta and to the city of Edmonton as a German immigrant. You will not see me today stating that I am a German Canadian. I am not a hyphenated Canadian; I am a Canadian, period. I am not an Albertan, not a western Canadian, but a Canadian.

I have studied the Bélanger-Campeau commission report, and I have studied the Allaire report of the province of Quebec. Based on those two reports I made my submission, and I commented on individual phrases of the reports. Ladies and gentlemen, I submitted several of these pages. They are very clear on individual items, and there is no sense elaborating any further on those items. However, I would like to submit additional information such as the addendum on page 11 that I have submitted. I hope you do have this. That's a recommendation I would like to make.

I'd like to make personal representation on items such as the question periods that are being permitted in the House of Commons and in the Legislatures. Ladies and gentlemen, when anybody watches question periods in the Legislatures or the House of Commons, that is really farce Canada. I've been so disappointed when I observe these so-called boards of directors. I consider Canada a great institution, and the representatives on these boards are supposed to behave like intelligent individuals. Don't belittle your opponent because he questions the government. When you do question the government, when you do have information you want out of it, you should also be able to make recommendations as to how to improve. You should not go to the government as legislators or as MPs in the opposition simply to oppose. You must be able to make constructive criticism and constructive recommendations. I've found that this is not done in either the Legislatures or in Parliament, and I am very disappointed in that. I would appreciate if this committee made the recommendation that we behave more like intelligent individuals. The question period was on page 7 of my submission.

On page 8 I talked about fixed terms of office. By that I mean an MLA or MP should be elected on a fixed term for three or four or five years, similar to the municipalities. On that basis legislation, or Bills, can be defeated in the House of Commons or in the Assemblies but not the government. The government could only be defeated on a nonconfidence vote and can then, when an election is called, for another period of five years or whatever the term may be – but we should not give the Premiers or the MLAs or the Prime Minister an opportunity to say: "People support us today. We'll call a snap election whether we need it or not." That's one thing we should change.

9:49

On page 8 I also talked about a free, nonpartisan vote on all government Bills and amendments. By that I mean that when we talk about a Bill that can be amended, it should be. Don't belittle your opponent because he has recommendations to make or because he doesn't like what the government is doing. Again, I mentioned valid criticism can only be done when you have an alternative to present. This is what I have based my opinion on.

On page 8 I also talked about elimination of transfer payments. Ladies and gentlemen, I even go so far as to say that the province of Alberta ought to collect all its taxes including the federal government taxes and submit to Ottawa its share based on percentage representation. We have population representation in the House of Commons and in the Senate according to percentage of population. Let us share the cost on the same basis. Any revenue created in Alberta should stay in Alberta and we should pass on only our percentage to Ottawa that we are indebted to. Then we don't have to go back and beg for transfer payments such as medicare, UIC, or education funding. Let's forget it. We keep it and do our own.

On page 11 – that is the addendum I submitted; I hope you have it – I have stated that if a leader of a party, the Prime Minister or the Premier, has been defeated in his own constituency, he should not have the opportunity to ask somebody to step aside so he can call a by-election and run again in that constituency. Ladies and gentlemen, that is a farce. When anybody has been defeated in an election, the electors have spoken. A reasonable person should then step aside. That's done in British Parliament. It's done in every other Parliament in the world. In Alberta and in Canada I've noticed that some people think they are beyond what the electorate says, and they call a by-election, ask somebody else to step aside. That is a no-no. That's a farce. It's an insult to the intelligence of the electorate. I'd like to see amendments in our Constitution to prohibit that kind of manipulative election.

These are my very basic items that I've presented here. I've presented others. As I've mentioned on several other pages, Quebec might secede. Let us be prepared that Quebec could secede and might. If they do secede, let us be prepared to form our own governments based on region or a new Constitution, new Canada, without Quebec. We are today talking about a crisis in Canada. Gentlemen, it's not a crisis; it's evolution. It's a natural process of growing. I'd like to see Quebec remain in Canada. It's very interesting, very beautiful. When I go from English-speaking Canada to Quebec, it's different, distinct. Yes, we do have distinct French-speaking multiculturalism in Quebec, but we also have distinct English-speaking multiculturalism in Canada. Let us remember that we do have these things.

In England they have the Channel Islands, Guernsey and Jersey. Guernsey is very British, beautiful British, yet next door is Jersey, beautiful French, distinct in itself, part of Britain. But they're small to govern, easy to govern. Why can't we accept a distinct French-speaking multicultural Quebec within Canada whereas the rest of Canada is a distinct English-speaking multicultural society? It's as simple as that.

In Switzerland you have three distinct societies. You have the German canton, you have the French canton, and you have the Italian canton. When you travel from one to the other in the German-Swiss part, you speak German; when you go to the French-Swiss, you speak French; when you go to the Italian-Swiss, you speak Italian. There is no trouble, no problem there. They recognize that those distinct societies in that area restriction are different. Yet they have their own languages. So there should be no problem if we recognize Quebec as a French-speaking society of Canada with the other multilingual associations in Quebec and the rest of Canada being English-speaking.

In conclusion, Mr. Chairman, I'd like to give Mr. Elijah Harper my congratulations, because he has given us the opportunity to reject Meech Lake and to now make presentations to change Canada, make constitutional changes, and evolve into a new federation. I congratulate him for giving us this. Besides this, I'd like to say to Quebec: if you do decide, you cannot decide simply by saying adieu. We must settle our differences, and that means financial responsibilities and other responsibilities that have to be cleared up. If you do want to go, Quebec, I do say adieu after the settlement, after the divorce.

Thank you.

MR. CHAIRMAN: Thank you very much, Mr. Beck. I just want to make a quick comment. You know, if your rule had been in place about not being able to seek a new seat in a by-election, three or four names come to mind that would have been lost to both the British Parliament – one was Sir Winston Churchill, who was defeated in his own constituency and sought re-election in another. Another was Mackenzie King, Prime Minister of Canada. Another very recently was Robert Bourassa, the Premier of Quebec. Another was Clyde Wells, the Premier of Newfoundland. There are many Canadians who like what Mr. Wells did. He would not have been at the constitutional table to represent the views of Newfoundland if the views you express had been in place.

MR. BECK: Mr. Chairman, yes, I am aware that other people have run, but I'm not saying this is right. It should be abolished. It should be changed. We obviously have other intelligent people who can make the same or similar representations on behalf of their provinces.

MR. CHAIRMAN: But you know something, if the people in the other constituencies don't want the individual, they will say so. I just point that out to you, and it's an interesting thing.

MR. BECK: I understand this, but what I'm trying to say is to let the electors, once they have spoken . . . Obviously they did not want a specific person, whether it's Winston Churchill or Adolph Hitler or whoever. I wish we could have gotten rid of Adolph Hitler in a vote. We didn't. Okay? What I'm trying to say is that when we bypass the requirements of an electorate and then make an opportunity, that makes it a farce, to then say, "Oh, well, you know." That's my opinion.

MR. CHAIRMAN: Well, that's a point of view. I just wanted to let you know that some very interesting people would have been lost to the political scene, including Mr. Wells.

MR. BECK: Well, they can still vote behind the scenes.

MR. McINNIS: Mr. Beck, I want to say I certainly agree with your point that you shouldn't criticize government if you're not prepared to offer alternatives. The difficulty we have in question period is that it's not really structured to offer alternatives. You're allowed a sentence to set up a question, one question, one supplementary, and you're gone. I just wonder if you felt that maybe that time should be more relaxed or more human or somehow more interactive so you could have alternatives put forward as well as questions?

9:59

MR. BECK: Well, it's part of the changes, isn't it? If we are changing the Constitution, if we are changing government, if we are changing things, then we should change the question period if it is too restrictive. If it is not proper, then we should do it properly, like in a business. Now, when you sit on a board of directors and discuss the business, you don't always agree, but you do make recommendations. You don't always go, "Oh, well, this question I have asked and I cannot ask another question," a subsequent question, or whatever. You must be able to be reasonable on this. This is what I expect the government of Alberta to do within its own jurisdictions.

MR. McINNIS: I see. Thank you.

MR. CHAIRMAN: Mrs. Gagnon, and then Fred Bradley.

MRS. GAGNON: Thank you very much. I'm quite certain that you're aware that the situation in Quebec is changing constantly. In today's *Globe and Mail*, for instance, we have the leader of the Bloc Québécois saying that Bill 178, the outdoor signage Bill, was unfair and that he's ashamed of that and that maybe it should be rescinded. So I'm predicting, and I'll make a bet with you that they're not going anywhere. They want to stay as much as most of us want to stay together.

Leaving that aside for a minute, you mentioned that in Switzerland people who travel to the German canton speak German, when they go to the Italian canton, they speak Italian, and when they're in the French canton, they speak French. These are ordinary Swiss citizens who've learned three languages through their school system. Correct?

MR. BECK: Not necessarily so.

MRS. GAGNON: But when you go there, you speak the language that is there.

MR. BECK: Yeah.

MRS. GAGNON: To be able to do that, was it not the case that you had to have learned the language at school?

MR. BECK: Well, you learned those in the primary schools, and then you advance yourself on your personal basis. You get the very basics in the primary schools – grade 1, grade 2, et cetera – and then you advance on your own individual basis.

MRS. GAGNON: I guess the point I'm making is that if Quebecois are to come to the rest of Canada, they have to know English, and if so-called English speaking people go to Quebec and they're only going to speak French there, then they have to have learned French. That's not my vision. My vision is that all of Canada allows for people to speak their own language because there are bilingual people there to receive them. I don't like the canton or the ghetto situation.

MR. BECK: Well, let's put it this way. When I was in Quebec and I spoke French – my French is very terrible – they said, "Well, we know." The Quebecois, the French people in Quebec, bent backwards to help me. They were so pleased that I tried. Now, when a French-speaking Quebecois comes to western Canada, he should try to speak English and try to assimilate in the English-speaking milieu similar to what an English-speaking western Canadian would do if he happens to decide to move to Quebec. You have to assimilate to live within that milieu that you associate with. That's common sense.

MR. CHAIRMAN: Okay. Thank you very much.

Fred Bradley, and we have to then conclude. We have a large number of other presenters to come on.

MR. BRADLEY: Well, thank you, Mr. Chairman. I'll try to be brief. There were two areas I wanted to touch on. One was the one Mrs. Gagnon mentioned. Bilingualism has been a point of contention across the country. You have mentioned your position regarding language. I just wanted to further ask you in terms of that: do you believe that if language policy became a responsibility of the provinces, that would create a stronger Canada?

MR. BECK: Well, I don't think it would make any difference so far as I'm concerned. What I'm saying is that you can't legislate that everybody ought to speak French or everybody ought to be speaking English. Leave it up to the individuals. You have certain rules and regulations, and if an individual wants to advance in the French language society, well, it's up to his responsibility to learn French. Isn't that common sense? You don't need to go and spend billions of dollars to transfer him and then educate him. That's his own personal responsibility. Why should we go and burden the citizens of Alberta with additional costs in the schools to educate people in French? That's their own personal responsibility. If I want to learn French, I go to a French school and I pay for it out of my own pocket, not the provincial government, not the resources of the taxpayers. That is my contention.

MR. CHAIRMAN: Thank you, Mr. Beck. We appreciate your views, and you've given us a strong position. Thank you very much.

MR. POCOCK: I'd like to ask Marjorie Bowker to come forward and make a presentation to the committee.

MRS. BOWKER: Mr. Chairman and committee members, I would like just to highlight a few points from my written submission.

I'd like to say this: if the Alberta government really believes in a strong Canada, which it professes to do, the worst thing it could do is promote decentralization. By this we mean, of course, that many powers now in the federal government would be transferred to the provinces. This will only have the effect of fragmenting the country. Instead of a united Canada we will have 10 little fiefdoms operating on their own and no central authority binding them together. Now, if there was ever a time when we need a strong central government, it is now. If we weaken the national government, we will destroy the very thing that binds us together.

As we all know, the Constitution of 1867 set up a division of legislative powers as between the provincial and federal governments, and there have been agreements over the years between the two levels of government for a sharing of additional powers in such fields as health care and higher education and social welfare. This has meant two things: national standards, which apply all across the country and, secondly, federal funding to help those provinces which could not finance such programs on their own.

If under decentralization these powers were transferred to the provinces, there would be no national standards, which has been one of our strongest unifying forces in the country. We would have a patchwork of programs, each province operating on its own, and we would end up with have and have-not provinces, many parts of Canada no longer able to afford the same standards of services. Now, Alberta would be contradicting itself if it talks on the one hand about a united Canada and then supports decentralization, which is the very thing that would destroy it.

The same reasoning applies in the economic field as well. The federal government has been able to overcome the vast economic disparities that exist throughout the country by such things as the regional development programs, which have the effect of equalizing economic opportunities, another very important unifying force. So I urge the members of this committee to consider the national unity implications before you favour decentralization.

This idea of greater powers to the provinces was very popular a few years ago and still is, of course, with big business and with some provincial governments and with the U.S., because Canada is much more vulnerable if it's weak at the centre. I'd like to point out that opinion polls show that the general public, and this is what you people represent, is moving away from the idea of decentralization in the interests of national unity. It would simply drive a stake in what keeps us together. So I say that Canada needs a strong central government to speak for all Canadians, to protect the rights of minorities, to ensure equality in health and social services, and overcome economic disparities.

10:09

Now, it's very interesting, you know, that we don't hear much about this point, but more powers mean more responsibilities to the provinces and a greater provincial tax burden. Somebody's got to pay for this. Even if we were to assume that Alberta could finance these programs on its own, there are many parts of Canada – the maritimes, the territories, even parts of the west – which simply could not. Now, the question is: do we care about the rest of Canada or only about ourselves? If we don't care, then perhaps we don't deserve a country.

Of course, Quebec is demanding a transfer to it of some 22 fields now occupied or shared by the federal government. If granted, we would end up with a federal government so weakened that the country would no longer be viable. I believe there are certain powers which must remain at the federal level if we are to survive as a nation, and that's why decentralization is such a threat. However, the fact remains that Ottawa will very likely in the next few months and certainly in the next year agree to a transfer of powers to the provinces in order to satisfy Quebec, which, of course, remains the Mulroney government base for power. This present government in Ottawa must retain Quebec if it's to stay in power. That's going to happen, but what I'm suggesting is that the Alberta government has a responsibility to do something to counteract this. Simply this: to determine the maximum transfer of powers that should be permitted and nothing more. So my position is that I believe in a modest restructuring of federation, but not the degree that the Alberta government is advocating by statements made by its leading ministers.

Now, all this business of powers is even more important if the regrettable thing happens and Quebec chooses to leave Confederation. How are we going to hold the rest of the country together? Certainly not with continued conflict with a central government over powers. We should end this confrontation which has been going on between Alberta and Ottawa for the past decade and get down to the business of deciding what's best for Canada.

So, ladies and gentlemen, this committee in its recommendations must decide whether we really do care about a united Canada or only about ourselves. This power grab can only result in a weakening of national unity. So this is the choice that Alberta has: to be a leader in unity and strength through cooperation or be a follower to Canada's dismemberment.

MR. CHAIRMAN: Thank you, Mrs. Bowker.
Fred Bradley.

MR. BRADLEY: Thank you, Mr. Chairman, and thank you, Mrs. Bowker, for your presentation. A theme that has been running throughout these hearings with some presenters has been that we should set these national standards and transfer some existing powers which the provinces have to the federal government. I guess what I would like to ask you: given that in a number of areas Alberta has some very high standards which exceed those of other provinces or exceed current national standards, would you be willing to transfer some of these present powers – education, for example, environment, health – to the federal government if that resulted in lower standards being practised in Alberta than the current high ones we have today? There are areas where the federal government does have sole jurisdiction in this province; for example, on Indian reserves in education and health. I can give you examples where the federal government has had environmental jurisdiction. Banff national park: the sewage treatment did not meet Alberta standards. Would you be prepared to transfer these powers to the federal government if it resulted in these lower standards then being in force in Alberta?

MRS. BOWKER: Well, I don't think that so far the federal government has had exclusive jurisdiction to the extent that their capabilities can be tested. Certainly you raise the Indian problem, and we can talk a lot about that, but I maintain that if there is a collaborative effort between the provinces and the federal government in many of these fields, we will have uniformity. Supposing health is all decentralized. I take sick in my native province of Prince Edward Island, and I find that their government isn't able to afford to hospitalize me. What do I do? Or supposing I need surgery. I'm going to shop around to the different provinces. Maybe Manitoba will do this surgery for me a little cheaper. We've got to have uniformity.

MR. BRADLEY: Well, what I'm suggesting is that uniformity may in fact result in lower quality of services for Albertans than the ones they now enjoy, because we'd then be lowered to a national standard rather than the high standard that we as Albertans have expected and would like to continue to enjoy.

MRS. BOWKER: Maybe that's the price we've got to pay to equalize the less prosperous parts of Canada.

MR. BRADLEY: You would be prepared, then, to see Albertans receive lower quality of services?

MRS. BOWKER: I would be prepared to do so if it was uniform across Canada. I think it's a price I'm prepared to pay.

MR. BRADLEY: Thank you.

MR. CHAIRMAN: Yes, Mrs. Gagnon. Mr. McInnis.

MRS. GAGNON: Thank you very much. I note in your brief that you favour bilingualism in the operation of the federal agencies throughout Canada, and that deals with the Official Languages Act, but you also say that language should be a provincial matter, a provincial jurisdiction. Are you then saying that you are not in favour of article 23 of the Charter, which deals with minority language rights? You know, people keep confusing the Official Languages Act and the Charter article 23. Could you clarify that, please?

MRS. BOWKER: Well there is a conflict, admittedly. There's a strong trend, apparently, across Canada that language be left to the provinces. The Charter of Rights would still prevail, and minorities certainly should be protected, as they are not in the province of Quebec right now. That would certainly have to be adjusted, and I appreciate the point you've made.

MRS. GAGNON: I guess I would try to clarify that. You're saying that the Anglophone minority in Quebec is not protected?

MRS. BOWKER: Well, certainly not by Bill 178.

MRS. GAGNON: I just read that they're thinking of rescinding that. I would hold that the situation with the minority in Quebec is far better than the Francophone minorities anywhere outside of Quebec.

MRS. BOWKER: Well, I know that in Alberta they have a reason to complain. I hope that will cease.

MR. McINNIS: Mrs. Bowker, I see you're wearing your Order of Canada pin today.

MRS. BOWKER: Thank you.

MR. McINNIS: I've noticed that people who are less powerful and less affluent tend to feel more comfortable with the federal government, I think, because they have freedom of information, they have a Privacy Commissioner, they have in the environmental field clear legislation in terms of environmental reviews and so forth, but I heard you say that you feel that the push for more provincial powers comes from big business, and I wondered if you might expand on that point.

MRS. BOWKER: I think we're going to see more of that. After all, big business is really American-dominated multinationals, and they would rather see a weak federal government to promote their business interests. I also heard, speaking of today, on my CBC radio coming over here the warning that let's be cautious about big business. This is something I will have to explore in my mind, but it was on the radio this morning, that just as they did with free trade, which was against the wishes of the Canadians: pour millions of dollars into promotion of this. Money did it; money did it at the last minute. The caution on this program this morning was to beware of this in the constitutional crisis.

MR. McINNIS: So your feeling is that multinational industries may want to negotiate environmental standards and taxation and labour issues with individual provinces rather than having to deal with the unified position for all 10?

MRS. BOWKER: You're right. You're right.

MR. CHAIRMAN: Thank you, Mrs. Bowker.
Oh, yes. Jack Ady.

MR. ADY: Mrs. Bowker, I have a couple of questions as it relates to Quebec within Canada or perhaps without Canada. As you know, the Meech Lake accord contained five conditions that Quebec insisted on in order to come into the Canadian Constitution. The one issue that didn't seem to be palatable to the rest of Canada was the distinct society clause, and Meech Lake failed. Obviously, Quebec is not going to be prepared to stay in Canada unless they get something more than they presently have, and they're not going to come into the Constitution and probably will leave Canada unless some conditions are met. How far would you be prepared to go, or what conditions would you see Canada offering to Quebec to stay? What's the breaking point?

10:19

MRS. BOWKER: I think that's the crucial matter for decision: where is the breaking point? In a word, I think we should say to Quebec, "This is the kind of Canada we want; do you want to be part of it?" We have to make that decision instead of being reactive always to Quebec. I believe sincerely that Quebec has legitimate demands but not beyond a certain point, and we have to determine that.

MR. ADY: One last question: then should they have some concessions that other provinces don't have in the Constitution?

MRS. BOWKER: In respect to culture, language, law, and education, actually, the Constitution already provides this. I find it very hard to go beyond that, Mr. Ady.

MR. ADY: Well, okay, but then to take that one step further, you would isolate that within their provincial boundaries?

MRS. BOWKER: Well, yes.

MR. ADY: Then in that case, you would have to remove that national responsibility for education from the federal government, as it pertains to Quebec.

MRS. BOWKER: Well, of course, the recognition of minorities is already covered in the 1982 Constitution. To answer you briefly, because we could talk considerably on this point, yes, I think Quebec deserves to have special considerations in those areas but not to the point of destroying the national identity. That's the crucial thing that we have to decide.

MR. ADY: So to just conclude this, you would be prepared to see Quebec receive some special concessions at the expense of centralization?

MRS. BOWKER: Yes. Yes.

MR. CHAIRMAN: Thank you.
Fred Bradley, and then I have a brief comment to make.

MR. BRADLEY: Well, I just note one comment in your brief. You suggest that there should be a two-pronged approach in terms of where government should be going on this constitutional issue. One is to work on a deal with Quebec remaining part of Canada, and the other prong would be a restructured Canada without Quebec. Is that something you feel that this committee should present to Albertans: one view that's saying that this is what we propose in terms of a Canada with Quebec and this is what we would propose for a Canada without Quebec?

MRS. BOWKER: Yes, Mr. Bradley. I think this is a very much neglected area. Nobody is thinking about Canada without Quebec. Not to have a backup plan is a serious lack of statesmanship. Mr. Mulroney had no backup plan if Meech Lake failed, as it did. The result was that he had nothing to say from June till November, a vaccuum. We must have a backup plan, and I do say the two-pronged approach.

MR. CHAIRMAN: Well, that's a very interesting point, because we are, as you know, going to come forward with a report to our Legislature, and we may have to have alternatives in it, obviously.

Just one point I'd like to make to you. You mentioned that we have through our regional development programs been able to smooth out the economic development situation within Canada. I would just tell you that I've spent a lot of time in the company of Clyde Wells, the Premier of Newfoundland, who claims that our regional development programs in Canada have been a total failure. He says that the reason for that is that when they have been developed, in every case, so that they can be used to assist the underdeveloped regions or the less prosperous regions of Canada, after they've been introduced, the other more prosperous provinces – Ontario and Quebec – start demanding the same programs apply to them. Eventually the federal government has given in to those demands, and the same programs then have been put across the country, leaving Newfoundland and Nova Scotia, particularly Cape Breton and so on, in exactly the same position they were in before. So it's a very interesting point.

You may wish to think about that a little bit and write Clyde Wells and get his views on that, because he's very, very strongly of that opinion that they really haven't worked the way they've been designed at the outset. It's an interesting concept. He is one of the strongest critics in Canada of those programs.

MRS. BOWKER: I realize the point you're making, and I'll give further thought to this.

MR. CHAIRMAN: It's just something you may want to follow up on with him directly.

MRS. BOWKER: Mr. Chairman, if I might, I would like to refer to an earlier discussion that went on this morning, and that was with regard to immigration and the reference to the Cullen-Couture agreement of 1978 with the Trudeau government. I'd like to say that this has been reinforced by the Mulroney government by an immigration agreement that was signed between Ottawa and Quebec on December 27, 1990, giving Quebec far more powers over immigration than the Cullen report. I just want to clarify that point.

MR. CHAIRMAN: Oh, there's no question about that, but its origins were in that 1978 agreement.

MRS. BOWKER: Yes, I know, but the point was made that the blame for it seemed to be attached to the former government.

I would like to commend, Mr. Chairman, this very fine document that your government released. I read it with great interest – Alberta in a New Canada – and I thought it was very objective. Whoever was responsible in your department for preparing it should be commended.

Thank you.

MR. CHAIRMAN: Well, it was the work of a lot of people and a lot of good advice that we got as we went through the process of consultation initially.

Thank you for your presentation this morning.

MR. POCOCK: Our next presenter is David Mason with the Alberta Association of the Deaf.

DR. MASON: Excuse me. I have an interpreter with me, and I'd like the interpreter to sit over there so that she can see everything and myself as well. This will be just fine.

Ladies and gentlemen, Mr. Chairman, thank you for inviting me here today. I'd like to call attention to bilingualism and more specifically to the recognition of languages. I'd like to emphasize that bilingualism itself is a very important human manifestation. I'm sure you're all aware of people who realize having two languages reflects human capabilities and human ability to reason and understand and think about many things in many different ways. Language reflects thinking in those ways.

Deaf bilingualism means involvement of American sign language, known as ASL, and Quebec sign language, known as LSQ. LSQ refers to langue des signes québécois. We've got an English version of sign language and a French version of sign language here within Canada. Something that's been causing me a lot of concern is that people aren't giving a lot of attention or recognition or credit, if you will, to deaf people's abilities to use ASL and English, which is another language in itself. Recently there were changes that had occurred. A lot of people don't realize that on the CBC radio there's a lot of discussion on things concerning Canada, including deafness. There's one problem: deaf people don't have access to that information; it's on the radio. I think people don't even think twice on the fact of equal access when it concerns this particular issue.

10:29

Another area, speaking specifically about Alberta: deaf people have been able to go through school, and that's been wonderful progress, but deaf people have had hindrances because many people lack the understanding of the fact that deaf people have their own language. Many hearing people try to control language and the deaf community by ignorance in the sense that they're not aware of what's going on.

These are examples that I've shown you today of what it feels like for me and what some changes are that I feel need to occur within the Constitution Act. One wonderful thing that's really happened this last June, in 1990: the Alberta government passed a motion, a resolution that recognized American Sign Language as one of the languages of deaf people and also recognized it as a language of instruction in the school system. So right now we already have the two methods of communication and education in Alberta, and I think that's wonderful. We're starting to see the beginning of changes, and people are starting to increase their awareness of what's happening within the deaf community.

The reason I'm here today is that I would like to ask you if there's any possibility to redefine Canada's legislation Act that says right now that French and English are the two official languages. I think that really puts limitations on other very important valuable languages such as sign language. To me, I'd like to encourage more than just two official languages, as we have now: spoken English and spoken French. In my opinion, French and English are both wonderful. I think that's a positive thing in Canada. I don't think there should be any changes to that as it is in the hearing world. I think it's as important, though, as Ukrainian and German and other languages.

I think we could be a lot more versatile if we have the flexibility of allowing all languages rather than limiting ourselves to the two. To see only one language or two languages as official to me is excluding the other languages and the other needs for other languages. I would like to in some way see this two official languages Act be repealed if possible. I would like to see us finding some way to be able to amend some of the legislation that is occurring right now to encourage people to recognize that bilingualism includes not only English and French but should include spoken English and signed English, should include the vast minorities of the multilinguals that we have in this country such as Ukrainian and German, and not to recognize only the two languages as self-contained and official. Multiculturalism is wonderful, and people prefer to keep the essence of that. If we're speaking about the business community and the business community in that particular area speaks English, that's wonderful. If we find that people learn more about other languages such as American Sign Language, it gives them a lot more options. It gives deaf people a lot more options for access as well.

It seems historically that deaf people have been forced to only use spoken English. That's not a common theory in education that's accepted now about deafness. Right now, commonly in grades 4 or 5 deaf people have an education level that's lower because English isn't a natural language to learn in. I would like to emphasize that deaf people do have a language of their own; it's a viable, important language. Right here and right now what I am speaking in is American Sign Language. I'm reading from English, and I'm signing in American Sign Language. My interpreter is changing it back to English for me. I have the freedom right now to be able to use my language. I'm hoping that we can find some way to amend the Constitution in this Act.

There are some implications in Alberta and Calgary. There have been, for example, two deaf people who have been rejected from jury duty. The reasoning for that was that the jury system is set up to permit 12 people. The 13th person is not allowed there. For myself, I see that that needs to be changed to allow for that flexibility and equal access, to allow for the understanding that the 13th person would be there to be able to allow access. Jury duty is something that I feel I should be included in and a part of and not be denied, because I've got the 13th person, the interpreter, there. They have actually rejected a deaf person as a citizen because I'm not allowed to be a jurist.

Basically, that's what I'm here for today, to discuss this issue. I feel that, for example, aboriginal people have their rights, and we support that. I think there are other people who have rights as well and who have access because it's a necessary part of their life. I think deaf people in the community have a really tough time, and there are a lot of barriers that are caused not necessarily by their deafness and not necessarily because deaf people aren't intelligent but because of ignorance of the general public. If it's introduced into legislation, it forces a standard and it forces people to accept it.

That's all I have to say for now. Thank you.

Sorry about that; I forgot my sign.

MR. CHAIRMAN: Thank you very much, Dr. Mason. Any questions?

Mr. Rostad.

MR. ROSTAD: Yes, thank you, Mr. Chairman. Thank you, Dr. Mason. You and I have had correspondence on the jury duty aspect. Just to clarify that, the Criminal Code, which is a federal statute, specifically addresses 12 being in there, and we have made representations to the federal government that that be changed, because I think the thrust is that we should recognize people for their abilities, not their disabilities. Any law where we have incorporated a contrary view to that I think we should definitely change. I thank you for your representations.

MR. CHAIRMAN: John.

MR. McINNIS: The Constitution of Canada, the Charter, recognizes languages in three ways: one is the right to speak in Parliament, another is the publication of statutes, and the third is communication with the government. What I'm not quite clear on is: what would be the best way to publish statutes and to facilitate communication with deaf people to the government? Any thoughts that you could offer would help.

DR. MASON: I realize that this is becoming a very expensive issue if you start to publish all the statutes in all languages throughout Canada; I do realize that. However, if you do want to publish those things in French, for example, why not then offer it in videotape or other means rather than only in print? My suggestion to you is not to try to publish everything in all languages; it's unrealistic. However, there should be some investment that allows people to have access to be able to change it to other languages. It doesn't necessarily have to have everything published but have the availability there. We've had 100 years of – let's use, for example, history books. You can't translate all history books into all languages; it's not possible. If people ask for funding to translate to their language, that funding should be there on an as-needed basis when it's requested. I don't see a problem with that. To translate everything into all languages to begin with is a waste, yes.

10:39

MR. CHAIRMAN: Thank you very much, Dr. Mason, and I thank you for your kind remarks about the resolution in our Legislature sponsored by Mr. Payne last year. I know that received all-party support for the recommendation.

DR. MASON: That's correct. That's wonderful. I'm excited about that.

MR. CHAIRMAN: Of course now, for those of you who watch question period as it is broadcast and rebroadcast on cable vision throughout the province, American Sign Language is provided for that aspect of our governmental operations, and I think it's a good start. I hope you agree with that small step.

DR. MASON: You're correct though. I agree with that. Alberta, I must say, has made great strides. The only thing that bothers me, I think, is Canada's legislature Act that limits the two languages.

MR. CHAIRMAN: Thank you very much for your presentation.

DR. MASON: Thank you very much for this opportunity.

MR. POCOCK: The next presenter to the committee is Una MacLean Evans.

MR. CHAIRMAN: Would you mind, Mrs. Evans, if we just took a very brief break? We're running a little bit behind time, but I think it would help us all to stretch our legs.

MRS. EVANS: Not at all. A stretch is probably a good idea.

MR. CHAIRMAN: Thank you.

[The committee adjourned from 10:42 a.m. to 10:54 a.m.]

MR. CHAIRMAN: I'd like to reconvene, and I'd call now on Una MacLean Evans to give us her views.

MRS. EVANS: Thank you very much, Mr. Chairman and members of the committee. I'm very pleased to have the opportunity of making a submission on this most vital question. I welcome the opportunity of addressing a necessarily few remarks and wish you well in your deliberations.

The Bélanger-Campeau commission report in Quebec spoke of the serene nature of their hearings. I wish the same serenity for your hearings, but I must comment that perhaps that atmosphere was brought about by the fact that only half the members of that commission were elected members; the other half were electors, a commission makeup which might well have been emulated when this committee was set up.

Not long ago, Mr. Chairman, the CBC aired a program designed to show the knowledge, or lack of it, by Canadians of this nation's history. The result: abject failure. Even worse: statements by people such as the Chair of the Edmonton public school board that the teaching of history was not too important, or words to that effect. I submit it is vitally important, and people drawing up curricula could give much more stress to this area. It's important for us as Albertans, for instance, to know that Canada's first permanent settlements were made 300 years before Alberta became a province and that when those settlers, the French, arrived, they found living here the migratory peoples of several distinct tribes of aboriginals. It's important now, Mr. Chairman, to look at history, true history, not the revisionist history currently being given wide circulation in Canada in respect of the Constitution and its evolution. Usually revisionist history is written only after the event, when participants can no longer respond; in Canada we seem to be doing it as we go along.

Our age-old or historic battle over provincial rights has reached a new threshold: no longer provincial rights, but sovereign rights. However the rhetoric has changed, the demands are much the same. I would point out that in 1976, for instance, then Premier Lougheed of this province, speaking for all Premiers in response to Prime Minister Trudeau's invitation for a renewed dialogue on the Constitution, answered that all provinces agreed with the objective of patriation. They also agreed that patriation should not be undertaken without a consensus being developed on an expansion of the role of the provinces and/or jurisdiction in the following areas: culture, communications, Supreme Court of Canada, spending power, Senate representation, and regional disparities.

I don't recall any great outcry at the time, and I ask myself now: why could Premier Lougheed advocate without criticism what now Quebec is being widely criticized for advocating? Many of those things are now again on the table, as indeed they were in Meech Lake. We must be fair in our judgment when deliberating this question on a national basis, and we must be accurate.

I wish everyone concerned could read these two reports, for there is much in the analysis which could be written by any government, any provincial government or opposition in Canada today, particularly with respect to the economy and the doubling up of services. Ten minutes doesn't give time to do any kind of analysis, but I enjoin members of your committee, Mr. Chairman, to do so. In particular, I hope you will compare the two reports, one with the other, because there are important differences and there are important openings, it seems to me. Only a thorough analysis will enable us to make meaningful proposals in response to the substantive requests of these reports. It seems to me that the Bélanger-Campeau report is more open to response than is the Allaire report. However, even though the Allaire report is sometimes contradictory, it does spell out in greater detail the specifics with which we have to deal, and it is therefore, perhaps, much more worrying.

Allaire speaks of repatriating powers. He even talks about repatriating some powers which never have been assigned, particularly residual powers. Might I suggest, Mr. Chairman, that your research staff undertake to adumbrate these powers which have been relinquished over the years and do a comprehensive analysis of what repatriating those powers to provinces would mean. One can guess, then, that in both economic and social terms, and both are important, the cost would be high, but it's important to know. Quebec is doing its homework, and Alberta must do so, as well, and expeditiously. I can't stress too greatly that provinces, in making their analyses and submissions, do not sacrifice the integrity of Canada on the altar of monetary advantage to themselves. We have not reached the impressive record in world councils which we now enjoy by taking a purely selfish, insular approach.

The Allaire report and to a lesser degree the Bélanger-Campeau report cite the failure of Meech Lake as a rejection by Canada outside of Quebec itself. Bélanger-Campeau also say the matter of language used in signs largely coloured discussions concerning linguistic relations in the eyes of Canadians outside Quebec. It is apparent that Bill 178 was perceived outside Quebec in much the same way the failure of Meech was perceived inside, and in terms of fallout I am personally convinced that that Bill had much to do with the results of the Beaver River by-election in this province.

Regardless of these perceptions or misperceptions, we must move on. In doing so, we should make sure, while speaking two languages, of taking the same meaning from what each is saying. Does sovereignty, for instance, mean the same thing to the two parties? Bélanger-Campeau refers to Quebec as a "distinct national collectivity." Such a phrase would probably have saved Meech Lake. Precision of language and of meaning is vital.

Mr. Chairman, time doesn't permit further discussion at the moment of some other aspects of these two reports. I'm sure that constitutional experts during the next week will deal with them at length and throughout the course of your hearings here and in Calgary. I hope the government will see fit or your committee will see fit in the very near future to advise Albertans as to the manner in which Alberta proposes to have its submissions taken into account by the federal and other provincial governments. The doors behind which you used to meet are now closed in the present circumstance. This must not be a fruitless exercise without the possibility of achieving results.

Finally, members of the committee, while it is vital to address the concerns raised in the two Quebec reports, it is equally vital to address the question of belonging: wishing to belong, and of letting Quebec know we wish them to continue to belong to our wonderful country. It is of supreme importance that we give support in any way possible to those in Quebec who favour remaining in Canada and that we expend herculean efforts to convince those who do not or who are wavering in our devotion.

Does that mean something, that little bell?

MR. CHAIRMAN: That means the 10 minutes has elapsed.

MRS. EVANS: Oh, does it? I will just conclude, then, by giving one or two instances where I think individual Canadians can help in this situation. Parents in French immersion schools should be encouraged to maintain and step up their cultural exchange programs. The province could well support such projects financially. Alberta could take ads in Quebec telling them in French that we care. Chambers of commerce, business groups, labour organizations, service clubs could twin with their counterparts in Quebec. Tourist advertising could suggest holidaying in Quebec. Conventions could be planned. We could reinstitute the people-to-people campaign of 1980, send telegrams of support to their successful people who compete globally for Canada. Kurt Browning skates for Canada, and we say thanks to him. How many of us said thanks to Josée Chouinard, who also skates for Canada?

11:04

I don't think we can let ourselves be outflanked, Mr. Chairman, by secessionists, by sitting by and saying it's inevitable. We can't let the naysayers go unchallenged. We must tell Quebec we want them. We must spell out our own desires but not in a selfish, self-centred way.

Thank you.

MR. CHAIRMAN: Thank you very much.

Mrs. Gagnon, and then Fred Bradley.

MRS. GAGNON: Thank you, Una. I know that you're very interested in immigration, so I would like to ask you if you'd like to make a few comments about immigration. Who should have the power over that aspect of our Constitution? Then I would like to ask a supplementary afterwards.

MRS. EVANS: Thank you. Well, there are, as you know, the agreements with Quebec, and it seems to me that in this area as in many other areas you can't take a step backward. I personally think that too much emphasis is placed on the powers of a province over immigration. As you know, I served the Court of Canadian Citizenship during eight years, and in the course of those eight years in northern Alberta I personally administered the oath of citizenship to 45,000 people. This is about 5,000 people a year in northern Alberta coming to Canada.

Just as an aside from your question: it's worth taking into account their reasons for coming, and I would give you an example at the end if you would.

On the matter of immigration, my assessment of where people had lived before they came to Alberta was that about 25 percent in any given year had lived in another province before they came to Alberta. So the question of mobility across Canada is important. People, immigrants as well as people who were born here, will go where the opportunities arise. We know that people are coming, for instance, from Saskatchewan into Alberta, from other parts. We saw this prior to 1980.

That question raises other implications that must be dealt with. Unemployment insurance: Quebec talks about that. How can a province institute such a national program? There are pension questions, the portability of pensions. All these are tied in with the whole question of immigration, but I personally don't see it as so much a threat as other people do.

I just wanted to give you the example, if you can talk about it in emotional terms, and I don't think we can just talk in economic terms on this question. I think we have to be a little emotional about Canada. I remember a gentleman in Plamondon, Alberta, 95 years of age. He was a member of what they call the old believers' society. He had been born in Russia, been forced out of Russia to Manchuria, forced out of Manchuria to Brazil, from Brazil to the United States, and finally to Plamondon, Alberta. I asked him why, and he said: "It is because Canada gives me sanctuary. My people are free here. I am free to live my life, to expand my family, to educate my family, to practise my religion, and it is a place of sanctuary."

One of my colleagues on that court was the Deputy Premier of the province of Quebec, Lise Bacon, and my recollection of her feelings was that she shared the same feeling about Canada as do I.

MRS. GAGNON: Thank you. A quick supplementary. Maybe it's a comment more than a question. Thank God this whole constitutional process is dynamic and it's changing day by day right before our eyes. You mentioned Bill 178 in Quebec and the terrible hurt that caused many people across the country, and I read today in the *Globe and Mail* that even Lucien Bouchard, the leader of the Bloc Québecois, is now saying that Bill 178 is unfair. So there's hope there.

MRS. EVANS: Indeed.

MR. CHAIRMAN: Thank you.
Fred.

MR. BRADLEY: Thank you very much for your presentation. You suggest that there's some reasonableness in Bélanger-Campeau and the Allaire report, and you made some historical references to earlier discussions regarding the repatriation of the Constitution and enumeration of powers which provinces wish to discuss. In terms of Canadians' view of Bélanger-Campeau and Allaire, I think there's a view that it goes too far in terms of the transfer of powers. Are there powers which are enumerated in both those reports which you feel should not be up for discussion?

MRS. EVANS: Well, no. I think everything's on the table really. We're talking about some fundamental changes, institutions. There are things outside those reports that I think also have to be discussed. Some are our national institutions. Neither of them deals particularly with the Senate, other institutions, the Crown corporations: the CBC, the National Film Board. The Bélanger-Campeau report is a little more evenhanded in that I think it leaves the door open a little bit more for discussion than does the Allaire report. The Allaire report is very heavy on sovereignty association and how things could work. You will know, having read that report particularly, that there are very, very great difficulties posed. There are some areas where our interpretation in the rest of Canada is perhaps different than theirs, but I think we have to recognize their differences – their perceived difficulties, slights from the rest of Canada – as we must ask them to recognize our concerns as westerners or as Canadians that we're not fairly dealt with in terms of regional development or other matters.

MR. BRADLEY: A supplementary. I think you suggested that the door has been closed in terms of negotiations, in terms of their traditional sense. Who do you feel has a responsibility to negotiate with Quebec in this process? The federal government alone, or is there a role for the provinces regarding these future discussions? Secondly, what sort of process or how do we approach these discussions and negotiations with that province since they've closed the door in the traditional sense?

MRS. EVANS: Well, when I talked about the closed door, I really meant that negotiations in large part have been conducted in secret, behind closed doors. I didn't mean that the door was closed on the process. It seems to me that the process has opened up to Canadians in a way that it never has been in the history of Canada, not even at the time of Confederation. The fact that I'm here and that other people are here making submissions today is certainly evidence of that.

I think the question cannot be resolved between Quebec and Canada alone, because as you know, many of the things which we will probably ask for as the province of Alberta or Saskatchewan or Manitoba, whatever province, are going to be the same. You can't talk about any of these questions – the sharing of tax powers, for instance – without taking into consideration how that will affect the rest of Canada. Even Quebec can't do that, because how the tax sharing is determined is important to them vis-à-vis what happens in any other province.

MR. BRADLEY: Do you have any thoughts or ideas on how we get the province of Quebec to a table where we can mutually discuss these issues?

11:14

MRS. EVANS: Well, I think you'd say it's very important that whatever doors are open with Quebec be gone through. As provinces, I think you have to make what overtures you can, but not in the belligerent sense, I'm sorry to say, in which your Premier conducted his last visit. Quebec asks for frankness. Frankness is one thing; belligerence is another.

The results of a commission. I don't know how you intend as a committee to present these kinds of things, and that is certainly one of the questions that has to be addressed. The process last time was wrong, because the people of Canada were shut out. There must be a way found to hear people. But Quebec itself has heard a multiplicity of groups and individuals, and I don't think they would shut the door on direct approaches from other provinces. Somehow this has to come together. If you're asking me what I think about a constituent assembly, I think the time is passed for that type of approach.

MR. CHAIRMAN: Thank you.
Ken Rostad.

MR. ROSTAD: Yes. Una, do you think that official bilingualism has been successful, and do you think that should be on the table for discussion?

MRS. EVANS: Well, if there's a question of removing bilingualism, yes, I think it should be on the table. I feel very strongly in favour of bilingualism. I know that my children have been educated in the French language, and I know that is a very great benefit to them.

I think on the question of language, and perhaps Madame Gagnon would agree with me on this, if we could look at the learning of another language, be it English or French, as a learning opportunity of expanding our own knowledge, and taking it out of the political context – we haven't talked about language in terms of what it means to us in self-development. We talk about it in terms of a political question, and I think that has poisoned the attitude towards the whole question. But I strongly favour bilingualism.

MR. ROSTAD: So you would concur that language should then be a federal responsibility as against a provincial responsibility?

MRS. EVANS: I think there are certain things that have to be enshrined as rights. Human rights and language rights are two. The provision in terms of the infrastructure regarding language certainly has to remain within provinces, much the same as education, I suggest. On the subject of education I think we shouldn't be led astray by some of the incursions of the federal Prime Minister into that area. It seems to me that this is one of his ways of drawing attention away from the subject which we are discussing in a broad sense and focusing it on an area where he knows he can't deliver. So I think that's true in an overall sense. We tend to be drawn off into areas like that – bilingualism, immigration, education, whatever – and lose sight of the main purpose. The main purpose is the continued integration of Canada.

MR. CHAIRMAN: Thank you. Mrs. Evans, that's a very interesting comment about the Prime Minister's incursion into education, and you might find some agreement on that. In any event, I think your comment about history is very useful. We don't know our history, and that's very, very sad . . .

MRS. EVANS: It's appalling.

MR. CHAIRMAN: . . . and revision of the history to suit the needs of current political aims is something that is very, very unfortunate. But I do thank you very much for your thoughtful comments today. If you have anything in writing you would like to leave with us, please do that either now or later, because we do want to analyze the thoughts of people that are brought to the table.

MRS. EVANS: Thank you very much. I'll take advantage of that opportunity when I have translated my writing into something more readable.

MR. CHAIRMAN: Okay. Thank you very much.

MR. POCOCK: Our next presenter this morning is John Sworder.

MR. SWORDER: This is a personal brief. First, I must say I want Quebec to stay in Canada and for Canada to grow as one country with strong, prosperous regions in a spirit of adventure and well-being in the whole of Canada.

Two, it would be better if many of us could talk to each other. I would like to see it mandatory for all university entrants in Canada to be functionally proficient in both English and French, both spoken and written. I am not suggesting high academic proficiency but only functional proficiency so we could talk and correspond with each other. This is no handicap. I was required to have a second language to enter the University of Saskatchewan in the '40s. It was written French; we had no verbal French. It is a shame that verbal French was not also required.

Three, if Quebec chooses to leave, it means complete financial separation. I have never heard of a divorced couple who maintained a joint bank account or guaranteed each other's credit cards. Quebec must be made aware of our feelings. Separation means different currencies, division of financial institutions for taxing and reporting, complete separation of taxation in all areas, no equalization payments, no industrial preference or aid, discretion over the movement of labour from Quebec with full personal income taxes paid in the area of employment. This means no write-off for families living in Quebec, no inclusion of Quebec in quota systems for agricultural products or other commodities. All Canadian taxes would apply in addition to taxes charged in Quebec for Canadian companies. No compensating benefits would apply. They are either in or they are out. Quebec must be made aware that there are financial advantages to being in Canada.

My fourth point: strong regional financial institutions are required in Canada. Banks, trust companies, insurance companies dependent on, responsive to, and run for the regions of the country in which they are located, are required. The animosity to the centrally controlled banks in Toronto should not continue to be an irritant and divisive factor in Canada. This recommendation comes from personal experience. In 1967 when I was in Quebec for Expo, I talked until about 4 in the morning with a French Canadian about Canada and our hopes for Canada. He was a university graduate with two degrees and had been a trust officer in one of the national – i.e., Toronto – banks. Their job was to collect money in French from Quebeckers, but when it was time to borrow money of any consequence, it was necessary to present your case in English in Toronto. It was humiliating for him with his marginal English to have to overcome a language barrier and the apparent total lack of regional economic knowledge of people in Toronto. If he had to kiss the feet – his term – of the Anglophones to discuss, to do business, he did not want the English or Canada. I have no doubt he became a separatist. We got along very well and found many things on which we agreed. Our hopes for a good life and opportunity were similar. Many of the west's problems are similar to Quebec's.

Quebec has recognized a perceived economic prejudice, and since the mid-60s established regional financial institutions in a very deliberate way. There are many such institutions. The Quebec civil service pension plan is the largest pool of investment capital in Canada today. It dwarfs Alberta's meagre heritage trust fund. The Quebec credit unions are large, widely based deposit institutions. The national Laurentide banks have established in Quebec. Tax benefits are given to Quebeckers who buy shares in Quebec companies. Quebec is moving quickly to be a financially independent region in or out of Canada.

11:24

Other regions must recognize the need to remove the irritant and hatred generated by centrally controlled financial institutions. The central banks have a distressing historical pattern of moving large amounts of available credit into regions of Canada which have expanding boom-time economies. This large movement of money feeds the expansion in the region and overheats the economy. When the boom fades, as it inevitably must, the central banks quickly withdraw their money. Several examples will be used.

They have done it again. In the late '80s the Toronto economy was booming, and credit was freely available for the overinflated real estate market. I'm sure most of us realize that the boom in real estate in Toronto is failing. Individuals and companies are hurting. I'm sure we all feel sorry for the people in Toronto.

In the '70s Alberta was where the action was. Credit was readily available for business expansion and for the real estate market. In the early '80s our economy was hit hard by the change in prospects for oil. When we needed help, the Toronto based banks withdrew their support. Operating drilling rigs went from over 800 to under 200. About a third of the construction companies were into bankruptcy in 1983. House prices collapsed with the change of the banks' lending criteria for home ownership. Talk of separatism in the west was very real at that time. A national broadcaster publicly advised Trudeau and Lalonde not to walk the streets of Calgary. He felt their lives were in danger. Alberta is to be commended for having a law on the books at that time which limited the liability of a home mortgage to the value of the house. This saved many Albertans from bankruptcy.

In the '20s banks loaned heavily to the prairie wheat farmers. Wheat was king, and everybody wanted in on the profits. In the '30s Saskatchewan enforced a law which prohibited the closure of the home quarter. Farmers who were otherwise destitute kept their homes and the bare living available from their home quarter. The family farms were saved.

I have to wonder if the Bank of B.C. would have folded if the province of B.C. had put the cash flow from their own civil servants through that bank. Provincial and regional governments have a role in promoting regional financial institutions. Whether we are fair and justified in the hatred and distrust of centrally controlled financial institutions is immaterial to this discussion; the perception is real. We cannot allow the anger and distrust of financial institutions to be a factor in the division of Canada.

Quebec has gone its own way in establishing its own Quebec financial institutions. Let us hope this removes the irritant to this condition so that their continued participation in Canada is not in doubt. Perception is more powerful than reality in the emotional question of political allegiance. Money tears families apart; it can also tear countries apart. Please, let us develop regionally committed and responsible financial institutions.

Our immigration policies and ethnic sponsorship are a major source of discontent and political friction between Ottawa, Quebec, and the population of Canada. Canada has welcomed peoples from many countries in the past, but I do not like the rumblings of discontent I feel today. Does Quebec accept our present immigration policies? They do not. Quebec is aware that the French language can be submerged by the English in North America. They have asked for total control over immigration into Quebec. They require all new immigrants to be educated in French.

Is multiculturalism acceptable to Quebec? Are they willing to have tax dollars spent so non-Francophones can practise their separate cultures? I do not know, but it is contrary to their statements and the laws I've seen. For many the department of multiculturalism appears to be a political slush fund for politicians to buy blocks of ethnic votes. Maybe that's hard. Why politicians would establish such a fund and risk the inevitable condemnation of ethnic favouritism – or worse, being subject to pressure groups – I do not understand.

We need to spend more money to introduce immigrants to Canada. Is the financial assistance to maintain and encourage ethnic diversity in Canada a good use of our limited tax dollars? Money is desperately needed to prepare immigrants to take a full, productive, contributing part in the cultural life and economic prosperity of Canada. We should welcome immigrants in a positive way when they enter Canada – and I repeat "when they enter Canada" – by using tax dollars to provide the following: living assistance for a limited length of time, English and French courses for adults, history classes on Canada, a thorough grounding in the operation of the police system in Canada and the need to keep the peace, an explanation of their legal rights and responsibilities, and above all precounseling and language training for children so they may enter and participate in our local schools and become new Canadians. The above will cost money.

Ottawa exercises the authority to decide the number and ethnic origin of immigrants. With authority must come proportionate financial responsibility. Ottawa should totally finance and be responsible for the cost of introducing immigrants into Canada's society as outlined above. At present much of the educational costs falls on the province and particularly local school boards. It is unfair for urban schools with large immigration policies to be asked to shoulder the cost and suffer the difficulties created by immigration policies from Ottawa.

Quebec rejects Ottawa's immigration policies. Other provinces may do as well. I hope immigration policies are not a wedge driving Canada apart.

It is a great country we live in. I have seen it from coast to coast and lived in five provinces. If it is to remain together, blunt, hard, considerate talk is required free of parochial interests. I hope we stay together and prosper as one united country.

MR. CHAIRMAN: Thank you very much for your thoughtful comments. I note that you have written material. If you wish to have it duplicated, we'll make it available to our colleagues on the other side of the panel, who are now in Calgary. You can leave it with our secretary or a member of the staff.

Questions or comments?

If I could just make one comment on the subject of perception. That is an extremely important matter. The saying, of course, is that perception is reality. Let me just tell you a little story about a young diplomat and his first posting to Peru. On the Peruvian national day he attended several cocktail parties to celebrate that occasion and finally ended up at the presidential palace. In a very large crowd at the gathering he perceived a vision in scarlet on the other side of the room. When the music struck up, he walked across the room and asked for a dance. The reply was: "No, for three reasons: first, you're drunk; secondly, I'm the archbishop of Lima; and thirdly, the music is the Peruvian national anthem." So perception is not always reality, but you make a very good point nonetheless.

MR. SWORDER: I neither drink, like boys, nor dance to national anthems.

MR. CHAIRMAN: I know. The point is, however, that how you overcome perceptions is a very, very key thing for us as Canadians. Mrs. Evans made an exceptionally good point about our history earlier on. I think we have to really start thinking and looking.

One of the reasons we put out our document, Alberta in a New Canada, is that we tried to overcome some of the perceptions there in a nonpartisan way – I appreciated some of the compliments we've had about that paper – so we could get a discussion going without . . .

MR. SWORDER: Understanding perceptions is very needed. We stopped for probably eight hours with that French Canadian. That is the type of talk and the time we're going to need to get perceptions understood. It's hard talk, and often anger occurs, but that has to be accepted.

11:34

MR. CHAIRMAN: Yes, Mrs. Gagnon?

MRS. GAGNON: Yes. If I might talk about perceptions as well, I think there's a perception that, for instance, Francophones in Alberta and Francophones in Quebec are not multicultural. In actual fact, the Francophone community in Alberta is multicultural; the people, although they share a language, are of many races, many cultures, many religions. The same thing exists in Quebec. So that's a perception I think we have to get rid of. Multiculturalism exists within the two linguistic dualities that we have.

MR. SWORDER: If you wish to say that the people of England are multicultural, with Welsh, Cornish, and what have you, that's not the type of multiculturalism I'm referring to. I'm talking about the sponsored multiculturalism.

MR. CHAIRMAN: Thank you very much for your presentation.

MR. POCOCK: Our next presenters, representing the Canadian Multicultural Educational Foundation, are Mr. Bai and Mr. Koilpillai.

MR. CHAIRMAN: Welcome, gentlemen. Thank you very much for joining us.

MR. BAI: Thank you very much, Mr. Chairman, and good morning, panel members. We'd like to thank you for this opportunity. I will introduce myself. My name is David Bai; I'm acting as chairperson of MCF, which is the Multicultural Communications Foundation. To my right, Robinson Koilpillai, who is acting as chairman of the Canadian Multicultural Educational Foundation. These are two sister organizations. MCF publishes *Canadian Link*, and CMEF does mostly educational activities.

MR. KOILPILLAI: Mr. Chairman and members of the panel, I too want to express my appreciation for the opportunity. As David has already said, the sister organizations have a mandate which includes a mission to foster and develop educational activities aimed at positive appreciation and participation of citizens and communities, for opportunity in and benefit of Canada.

Now, we are here this morning, and we have prepared a fairly comprehensive proposal. I think copies are being distributed to you. We will try and be brief, to highlight some of the points we feel strongly about. We believe in citizens' participation in building and nurturing a national community, and we do appreciate this task force of the provincial government in providing that opportunity.

I will ask David to present you with an overview of our proposal, and then perhaps very quickly we'll hit on some of the highlights of our recommendations.

MR. BAI: As part of our overview, we believe that this is the Canada round. The goal is the building of a viable national community to which all Canadians can subscribe. This requires a restructuring in a significant sense of our economic and political institutions from which Canadian society is built. We also believe the framework within which this should be done will be based on our political tradition of representative democracy and responsible government and the Charter of Rights and Freedoms. This requires greater citizen participation and community participation.

Canada's national communities consist of three identifiable components: one, English-speaking multicultural community; two, French-speaking multicultural community; third is native aboriginal multilingual and multicultural community. This can be done through several reform measures. Brief highlights are of four main areas of potential reform. Economic is one of the areas, the Charter of Rights and Freedoms, and the constitutional reform, which has two parts in it.

MR. KOILPILLAI: Now, coming to our recommendations, which appear on page 9, we have presented an executive summary of this, which is presented in five parts. We caught in the preamble there, from the preamble of Bill C-93, which was the Bill that introduced the Multiculturalism Act in the government of Canada:

> The Government of Canada recognizes the diversity of Canadians as regards race, national or ethnic origin, colour and religion as a fundamental characteristic of [Canada].

MCF and CMEF make the following recommendations to the Alberta select special committee. Numbers one and two of the recommendations will be dealt with by David very briefly, and I will be making a comment on the subject of education.

MR. BAI: First of all, let me just state as part of my remarks that we believe that economic reform is integrated and complex, interdependent in fashion, connected with cultural and social reform including politics. It is not separate. That's the only way, we believe, that we could, let's say, restore the comparative position both of productivity and also that raising the standard of living for Canadian citizens can be achieved.

In our discussion of the Charter we are not requesting any restructuring of the Charter. What we are asking is simply institutional reform within the Charter, which is such an important Canadian value that we instituted in the 1982 Constitution. What is missing, from our point of view, or what needs to be done is institutional reform dealing with community relations, especially dealing with the minority communities and the majority communities. We do have a clear Charter spelling out the relationship between individual and state, but as a multicultural nation, as we are accepting regional, cultural, other diversity, we do not have a whole. Those different communities function and work out their differences, as with their problems, sorting it out. So we need some form of intermediating institutional reform. It's these kinds of disputes that caused the courts – courts are not in the solution to these kinds of problems. This is not a fundamental power game; this is more community issues. So that's what we are requesting.

11:44

Among other things that we would like to see from the existing Charter is some notion that education is of fundamental importance to all Canadians. Secondly, environment has increasingly become not only a national but an international issue; therefore, I would like to see that stated in some way. As the division of labour becomes more globalized, increasingly the second part of that problem of the environment issue also becomes more globalized. So that's what we are asking there. The third part is our economy; this is obvious to you.

The third one we are requesting is elimination of this notwithstanding clause, section 33. The reasons: as you will see, we have a comprehensive package of reform in the Senate, and the amending formula will require this to be redundant.

Division of powers. We are not asking the wholesale reform of the Constitution, but we are following similar to Prof. Peter Meekison's suggestion that he made to the Business Council on National Issues of simply creating more legislative design, to agree to create a concurrent jurisdiction which would maintain both federal and provincial paramountcies and in such a way create a greater facilitator of co-operation among the governments. He outlined the four areas of constitutional reform since 1940. So he believes that we need to move away from the more territorial jurisdictional discussion from which we're going to a more functional or what I call market-oriented concept of looking at the broader co-operation, which I believe is essential to creating Canada to be not only a more cohesive society but also a better competitive society. The national government and the provinces are not in a sense equal to be able to do the kind of task that we need be. So we need more pooling in a regional sense to be better competitive.

MR. KOILPILLAI: Mr. Chairman and members of the panel, I'd like to direct your attention to page 19, which we consider very important in terms of education. Canada's educational system needs fundamental restructuring. Ours is the only major industrialist country which does not have a national educational system and national standards to meet the needs of the coming decade. The U.S. is the second exception, until recently: Bush has announced a new national education policy. More recently Prime Minister Mulroney also had made some statement on this.

One of the earlier presenters talked about Canadian history: present, past, and evolving. We would suggest very strongly that education become a concurrent jurisdiction, shared jurisdiction, at all levels so that it is portable for people who are moving across the country, and it would help build not only a Canadian identity but international competitiveness.

I'd like very quickly to move briefly into Senate reform, which is on page 34. We, as we have presented here, support the triple E concept but on a regional basis. We have indicated there five regions: Atlantic, Quebec, Ontario, the west, and the northwest. We're also recommending, to ensure effective regional participation and decision-making, a double majority principle: a majority vote of the Senate as a whole and a majority vote of Senators from each region in order to be effective. Finally, the Senate should be responsible for reviewing all federal appointments, for monitoring and evaluating the whole of the Charter in Canadian society, and for recommending improvements to institutions to meet the full intentions and potential of the Charter.

MR. BAI: Finally, we believe if these measures are accepted, then as I see it, the notwithstanding clause is to some extent redundant. It could be left there, but of course as a preference we would like that to be eliminated, because the reformed Senate would have that built-in notion that without support of a Quebec majority it cannot pass.

Now, what we are doing instead of going to veto power, we are trying to go on a more proactive sense of a Canadian co-operation. I think the way we've been operating these provincial/territorial vetoes is a more 19th century concept. We need to be a more proactive government with greater citizens' participation if we're going to be productive and competitive, also building functioning national communities, which we expect that we'd like to see as the Canada round.

The last thing we'd like to see is that there is – what has happened the last few years is what we call executive federalism. In essence, we believe the Constitution is similar to what Willard Estey has stated in one of his appearances at the Beaudoin-Edwards committee, that Constitution-building is for the people, not just legislators; fundamentally it belongs to the people also. So we'd like to see greater participation of Canadian people, which will be a greater way of creating enthusiasm among Canadians. That has to be renewed, and also legitimacy has to be renewed. Those cannot be done without greater participation of Canadians. I don't think it's solely the job of politicians. I'm not trying to downgrade the role of politicians; it's a tremendously important job. But it's time that the Canadian citizens and their community have a greater say about what kind of Canada and the expanded notion of citizenship they could play in the building of a national community. The Constitution must reflect that vision, that idea, those values, and that commitment.

Thank you.

MR. KOILPILLAI: One last, finally – finally – if you will bear with us. We are strongly suggesting that we add a Canada clause. We would like that the Alberta presentation would include a Canada clause, which appears on pages 10 and 11. This Canada clause would recognize Canada as a whole and a distinct society, a distinct nation, and within that there will be others distinct, within the bilingual context which is at once historically correct and functionally desirable. It would have been well, Mr. Chairman, in this connection for me to suggest that it would have been an excellent gesture to have offered French communities within this province a French language service to these hearings. Canada is a community of communities. David has already talked to you about the three distinct streams of Canadians.

We also want to emphasize that the Canada clause recognizes the distinctness and value of Canadian citizenship. Canadian citizenship should be emphasized in its primacy over all or any claims of any society, nation, or community within this country. A Canada clause also should recognize historical rights of its people. A Canada clause should recognize the distinctness of the country's regions and the disparities, and it should recognize that the Canadian whole is greater than the sum of its parts and emphasize the regional responsibility inherent in the concept.

Finally, a Canada clause should assert and affirm the coexistence of the concept of individual rights and community and human rights.

Thank you, Mr. Chairman.

MR. CHAIRMAN: Thank you very much. Well, you've given us a very comprehensive document, and obviously in the short time available to you, you've not been able to touch on more than some of the highlights. We will review it very carefully, and perhaps when we've done that, we may have some further dialogue with you on that subject.

There are some questions which have arisen from your comments.

Yes, Yolande.

MRS. GAGNON: Thank you very much. First of all, I want to tell you that the *Canadian Link* is one of the most thorough papers that I read, and I appreciate that. I learn a lot from it.

I think we're here today to listen to the presenters, but also presenters are listening to each other. It gives us an opportunity to speak to each other, maybe opportunities we don't get often enough.

What would you say to someone, and again we're talking perceptions, who feels strongly that the multicultural policy, which you quote, Bill C-93, and the Alberta policy are really just vote-getting mechanisms on the part of politicians? It's said so often. I'd like your comment. I think we need to clarify perceptions.

MR. BAI: This country being in a free and democratic society, everything is open in essence. I guess vote getting is one part of an exercise that we do, involvement between citizens and politicians. If you look at C-93 – I was a vice-chairman of the CMC, which is now the lobby representing this region as CMAC – you will see the long preamble describing the Canadian values. So we are looking at multiculturalism as, in essence, what we call the sum total of Canadian values. It's not something ethnic. So that's why in our paper, you see, we do not talk about the ethnic community per se. We talk about trying to connect from that to the larger community, as well connect the larger communities all down to the community. There is a role of the ethnic community – their papers, their preservation, and so on – but our job is to enhance the Canadian value, what we perceive there, so that includes all Canadians. We don't accept the definition that somehow Canada is all predetermined and an immigrant has to play a certain role and so on. To us Canada is: all who are here are Canadians.

MR. KOILPILLAI: I just want to add one more thing, Mrs. Gagnon, about our own province's leadership in promoting multiculturalism. We have been the founders of that in this province and salute the provincial leadership in that. Even at the federal level multiculturalism is often misunderstood, sometimes deliberately, I feel. For those who feel Canada has been defined already and there cannot be any redefinition of Canada or Canadian citizenship, I'd like to suggest to people that multiculturalism is a concept that allows an evolving redefinition and enhancement of Canada and its citizenship. It's not just a narrow vote-getting mechanism.

MRS. GAGNON: Do you think if we talked sometimes in terms of interculturalism that that might help with this perception?

11:54

MR. BAI: Yes. That's what I meant, the institutional reform dealing with the community relations. The communities: when they build each other, their cultural notion and so on, there is bound to be some misunderstanding, friction, and so on. We do not have an institutional mechanism to address that dialogue and the communication and sense of sharing, as well as also resolve some of the disputes. We have in the Charter dealing with individual rights the Canadian Human Rights Act, but when it comes to the community – collective, minority, majority – we don't have anything. That's what's also a problem. That's why I believe the Quebec government finally got so fed up, moving to that area to put their community, and it became provincial. That's one of the difficulties at the present time. If we had that kind of institution, I don't think the Quebec government would have moved in that area.

MRS. GAGNON: Thank you.

MR. CHAIRMAN: Fred.

MR. BRADLEY: We're a little bit behind schedule, so I'm going to pass at this point.

MR. CHAIRMAN: Okay. Just one comment. I thank you for your comprehensive brief. In the field of education, which of course is one that has arisen very often, I think we tend to beat ourselves on the head a bit on that subject. I wonder how you react to the report of the United Nations that says that Canada is the second-best country in the world in which to live, and one of the reasons for that is because of the high standards of education and our high literacy rate. That seems to be a fairly positive judgment of Canada compared to the rest of the world.

MR. KOILPILLAI: Well, you know, I have no quarrel with that. I'm an educator myself, and I agree with you wholeheartedly. I've been an educator in this province 31 years, and looking at the national level and the provincial level, we can do better, not that we haven't done well. We've done well. I agree with your assessment and the United Nations' judgment on that, but we can do well in international competitiveness, in keeping up the standard, and also helping our own Canadians' mobility if we have national standards and concurrent administration of it.

MR. CHAIRMAN: Okay. Well, the question as to how we achieve national standards is the issue I think we're going to have to address.

MR. KOILPILLAI: Right.

MR. BAI: We are not interested in the top down. I think that's what probably your question may have implied. I think most of the discussion we're talking about: with greater citizen participation we could build from the ground up and we also bring the federal government down. That's why I'm into a regional solution. Otherwise, you see, we have P.E.I. and then we have Ontario. We can't compete in that sense, to equal. The United States has the same kind of problem in California and Rhode Island, but between there are 48 states to, you know, align and work it out. In Canada we don't have that. That's why we went to a regional base for a Senate rather than a provincial base for a Senate. Some of your colleagues' involvement . . . We think that's a more effective way of doing both, going upward and going downward.

MR. CHAIRMAN: Thank you very much for your comments.

We have one more presenter before the lunch break, and I'd like to invite him to come forward now.

MR. POCOCK: The final presenter is Doug Elves.

MR. ELVES: I'd like to thank the committee for its sensitivity in the choice of times for these hearings so that people who don't control their own work hours can attend. I'd certainly like to say, too, that if you make it through the entire hearings, I commend your stamina.

I have a couple of comments to make with this brief, basically a proposal which I feel addresses a fundamental problem of the Canadian state, and that is the denial of exactly what is the distinction between the Quebec people and the rest of Canada. To deny the status of Quebec as a distinct nation is to deny the status and unity of English Canada as a distinct nation. I propose a representative body to guarantee such unity: a founding-nation Senate.

The Quebecois meet all the criteria of a distinct nation: a people with a common territory, economy, and culture. Yet the status of its government as a mere provincial administration has muddied the waters of the Canadian Constitution ever since Confederation. Since all other provinces are regional governments within the Anglophone founding nation, they should have Senate representation equal to Quebec's representation only as a whole rather than individually. I propose that a founding-nation Senate be elected in numbers which give equal representation to Anglophone and Francophone. If each of the nine provinces and the two territories of Anglophone Canada elected, for instance, six Senators for a total of 66, then Quebec would also elect 66 Senators. The two equal halves would combine for a total of 132.

On the question of Canada's aboriginal peoples: these peoples, of which many now claim nationhood with hardening resolve and growing popular support, should also have founding-nation status but only as a whole. To achieve equal Senate representation, aboriginals would elect one-third of the Senators within each of the Anglophone and Francophone allotments. For example, two of Alberta's six Senators would be elected only by the native people of Alberta. Some may oppose representation that is so out of proportion to the native population, yet the House of Commons would still represent Canadians by population whereas the Senate would represent Canadians by founding nation. Each institution would thus have a distinct role in achieving democracy. All ethnic groups could nominate their own candidates, but except for the aboriginals these would seek election alongside all other candidates who must run where the language of state, commerce, and education is either French or English. Hence, each of Canada's three founding nations would elect 44 Senators, with the aboriginal Senators divided equally between Anglophone and Francophone Canada.

That is the main thrust of my brief, and of course there would be matters and problems that would have to be dealt with. Whether you have any questions on that, I don't know. I wouldn't want it to be necessarily questioned simply on the basis of the particular numeric formula; it's the process and the approach that I'm advocating.

I have a second part of my proposal, which is not necessarily . . . Well, it's certainly not concurrent, but it was an attempt to respond to the question of enhanced democracy in Canada, whereby we have the Commons providing representation by population, the founding-nations Senate providing representation by founding nations, and for enhanced democracy, with everyone wishing to speak for themselves, a direct democracy simply outlining a mechanism through modern technology to allow for frequent recourse to the general population through referenda. The natural reluctance for referenda presently is, I feel, mostly because they're very cumbersome and expensive, but there would be another technique envisaged in the second part to deal with that. I could read it if you wish, or if you have any questions on the first part . . .

MR. CHAIRMAN: Well, thank you very much, Mr. Elves. It's an interesting proposal, and it is one that is specific. I think really it's helpful for us to have some specific suggestions about how to deal with things. General comments are very helpful, obviously, to get a flavour for things, but this is a specific which we will certainly take under consideration.

I'd like to go on to the second part of your brief here, and it relates to the subject of the issue of how the public can have greater participation in making decisions. I'd just like to seek your views as to how the question is established. We had a suggestion yesterday that what we need to do is have a set of questions; we vote on the questions to see whether or not the questions accurately reflect the issue. That's one of the big concerns about referenda insofar as my study of them is concerned.

You will recall back in the Quebec referendum of 1980 there was a great deal of debate and discussion as to how to word the question to put to the people. Now, to take a moment on this too, in the direct referenda process in California, for example, the whole text of a Bill or an Act is put to the people, the whole thing. I've got a copy of the California booklet that went out in the last election, and it was as big as the Medicine Hat telephone directory because it contained the precise wording of each legislative proposal to be voted on by the electorate. I looked through it, and I'm a lawyer, and, believe me, I couldn't understand a lot of it. So there's that type of approach or the simple question. You know, it's pretty tough to determine. I just wondered if you had some thoughts on that.

12:04

MR. ELVES: I think you raise an important question. On the California problem, probably that's simply an early stage in the evolution of hammering out how to deal with referenda. One of the points I raise here in the second part of the proposal is that the positions of the parties or perhaps in this case the wording of a longer referendum question would simply be printed in the newsprint media beforehand so that people have access to it. Of course, it would be an important task of Parliament and its committees to work out a brief, succinct summary of that position. Basically, these referenda would be not so much to dot the i's of the referenda but to give guidance to the Parliament so that the people of Canada accept this basic proposal or that. An all-party committee would be perhaps responsible for hammering out and spending the long hours on working out a wording of a referendum and then having it addressed and accepted or not by the Parliament. Hopefully, the problems and contradictions would have been addressed by the committee, but if not, then the Parliament would still have its say. The wording of a referendum can be very loaded, but this process might work itself out anyway over time.

MR. CHAIRMAN: Well, I just raise it with you because Canadians have got to really start thinking about this. I think your suggestion as to the mechanics is a very interesting one, but it leaves unanswered the question as to how a question can be posed in a clear and understandable way so that the person who is voting on the issue knows what they're doing. Yes or no.

MRS. GAGNON: Okay, I have also a quick question, I hope. Once a referendum has been held on a given issue, how long would that remain as a guiding principle for the government of the day? You know how trends come and go. We could be subject to a seesaw kind of lawmaking, where one week people vote one way and two years down the road, because things are changing all the time and issues come and go, they would vote another way. So would it be binding for five years before we would ask the question again? Things do change very rapidly.

MR. ELVES: I don't know what the present law states about other referenda. Perhaps that would be a starting point. Obviously, this opens up the whole question, and there would have to be a lot of debate on exactly what it meant. Does it mean per parliamentary sitting or per government or until some new change comes along that has to be addressed by a different wording, whatever? You know, the normal course of Parliament, I'm sure, would deal with that, just as they have to deal with anything they decide on and then some new question coming up. They either have to vote on it or not, change it or not.

MR. CHAIRMAN: Mrs. Gagnon's touched on a very interesting point, and that is the changing of public opinion. Before we conclude, I'd just like to put this thought to you. My guess is that if there'd been a referendum within two weeks of the signing of Meech Lake, it would have passed. There was a great euphoria in the country. People left the Langevin Block. The Legislatures had it pretty well all introduced. Public opinion polls immediately after that were very supportive of Meech Lake. Now, what happened? The government of Quebec and the Bélanger-Campeau report point this out: one single piece of legislation turned public opinion around 180 degrees in the rest of Canada, and the support for Meech Lake dropped like a stone. This is what we as legislators have to struggle with all the time in trying to determine what the public wants. So I just leave that thought with you folks. I know you're all thinking hard about this because you're here, and you wouldn't be here if you weren't really concerned Canadians and Albertans. I want to thank you, and thank you very much for your specifics. That's some interesting ideas in your proposal.

MR. ELVES: If I could, just before I leave, Mr. Horsman. Your last point is certainly apt, but I think we should accept the idea that if there's a will, there's a way. I think, you know, democracy is evolving, and people want to have a say. Meech Lake, for instance, was a major question in which people didn't completely understand the issues or didn't understand the exact document. I know the free trade debate was the same; it evolved. Some people who were initially for it eventually became against it, and perhaps there was the reverse too. That's going to be the situation in any case. The issue that Mrs. Gagnon raised is appropriate, and part of having these regular referenda would be consideration of how that is to be turned around or readdressed if necessary.

MR. CHAIRMAN: Thank you very much.

We're going to take a lunch break now. We'll be back here sharp at 1 o'clock. We have a full afternoon of presentations, and I thank those of you who came to just listen and to hopefully help us learn as we move along. Thank you.

[The committee adjourned at 12:11 p.m.]

1:04 p.m. Saturday, May 25, 1991

[Chairman: Mr. Horsman]

MR. CHAIRMAN: Ladies and gentlemen, if we could get under way again we'll be proceeding through a fairly lengthy list of presenters this afternoon. Each presenter has been allocated 15 minutes. We have a timer which will give you an indication at the end of 10 minutes, and then we're going to really have to conclude quickly. If you presented a written brief in advance, we have had the opportunity of reviewing those. It's not necessary to read them. It's better if you touch on the highlights rather than just a simple recitation, because that would eat into your time to engage in some dialogue with the committee members. But the 15 minutes is yours.

Richard McGuire is the next presenter.

MR. McGUIRE: I'd like to thank you for providing Albertans with the opportunity to present views on the Constitution. Some of the things I plan to say might not please the government members of this committee, so before I make myself too unpopular, I'd like to acknowledge the initiatives the government has taken toward a triple E Senate and also the Liberal opposition's support for the concept. Senate reform is not a panacea, but I see it as one of the most important measures Canada can take to address regional power imbalances in this country. The disastrous Mulroney government has underlined how desperately Canadians also need a system of checks and balances to curb the dictatorial tendencies of majority federal governments.

There is another reason for Senate reform, and it's here that I risk upsetting the government members. I believe the single greatest threat to Canada today is unchecked growth of provincial power due to the leadership vacuum in Ottawa and the power-grabbing tendencies of certain provincial politicians who put parochialism ahead of the interests of the Canadian nation as a whole. To quote briefly from Don Braid and Sydney Sharpe's excellent book *Breakup: Why the West Feels Left Out of Canada*,

> The best way to spike the regional power of the premiers is to divert a large part of it into a Triple E Senate . . . Few people seem to realize that the West's Triple E crusaders are actually offering a great boost to the democratic authority of central government. But that authority would at last reflect the wishes of the whole country, not just of the two big provinces.

There is right now, as we talk about the Constitution, a war shaping up between those who want to break Canada into a string of little provincial fiefdoms loosely held together by an impotent and castrated federal government and those, like myself, who believe in a strong Canadian nation which is greater than the sum of its parts. A balkanized Canada would suit perfectly the needs of big business. They could play off province against province as each bids to attract industry by providing the poorest working conditions and the lowest environmental standards. Devolution is also promoted by those prepared to go to any length to keep Quebec in Confederation even if the fabric of Canada is destroyed in the process.

But the majority of Canadians do not want balkanization. The fact is that since the Second World War provincial governments have been growing and growing at the expense of the national government. At the end of the war nearly three-quarters of government spending was at the federal level and just over a quarter at the provincial and municipal. The balance has now tipped almost as far in the other direction, toward provincial power. A recent TROC poll found that 71 percent of Anglophone Canadians oppose decentralization and 60 percent favour greater centralization. A *Toronto Star* poll four years earlier arrived at very similar results, with 67 percent of Anglophone Canadians favouring a strong national government over strong provincial governments. By the way, the result in the prairies, at 64 percent, was only three points below the national average. The idea that Albertans want a stronger provincial government is a self-serving myth promoted by this government. As we move into a world of free trade and global economy, the need for a strong federal government becomes even greater. We must be united to bargain effectively with the multinationals. But with devolution our most talented people would gravitate to provincial capitals, and this would strengthen Canadians' identification with the provinces at the expense of the nation.

Much of the opposition to Meech Lake was a result of this decentralized vision, and I am warning you that if you try to impose a decentralized framework on Canada in Meech Lake 2, you'll be setting in motion a chain of events that neither you nor I wish for Canada. I'm only one Canadian, but I'm not alone. If Canadians decide on a new Constitution through a truly democratic process, I will accept it even if it goes against my ideals. But if a new, balkanized structure is imposed on Canadians without a democratic process or through manipulation, I'm prepared to fight in the streets for Canada.

Just what kind of democratic process Canadians will accept is, of course, the heart of the issue. Normally, we accept the right of our elected officials to make decisions for us. There are, however, two reasons why that isn't good enough with the Constitution. Firstly, we have a federal government which has lost credibility with most Canadians. I think I speak for a majority of Canadians when I say it is the government we no longer trust to negotiate on our behalf. Secondly, a Constitution binds future governments long after the mandates of today's federal and provincial governments expire. I think Canadians increasingly are demanding that this type of major decision, which is binding on future governments, be decided by referendum and not by government alone. Canadians are fed up with elitism which suggests we don't have the knowledge or intelligence to decide things such as the Constitution. Australians have been amending their constitution by referendum for almost a century. Chile, under Augusto Pinochet, one of the most ruthless dictators in the world, put its constitution to a national plebiscite in 1980. I'm not suggesting we adopt the Chilean style of constitutional reform, but I am questioning why Canadian elites should have more to fear from the Canadian people.

So far I've managed to avoid discussing Quebec. The crux of our current impasse with Quebec is that Quebec sees itself as a nation within a Canadian economic union. Canadians outside Quebec see themselves as a nation from sea to sea. These two visions are incompatible, and any attempt by one to impose its vision on the other puts us on a collision course. I would prefer a Canada in which all provinces are equal, but if this means another 30 years of constitutional bickering or an angry, independent foreign country in our midst, maybe we need to be flexible instead. If Quebec insists on seeing Canada as a common market rather than a nation, then perhaps the nation should consist only of Canada outside Quebec and our ties with Quebec should be purely economic. Canadians outside Quebec share a strong sense of nationhood, and perhaps it is that strength we should be building on instead of forever being distracted by Quebec. Quebec is different, and maybe we need to consider a form of Quebec autonomy within Canada. But break up Canada by giving the same autonomy to other provinces over my dead body.

Having probably upset a few of you with my earlier remarks, I'd like to now offer peace and suggest a way we can work together as Canadians to find an acceptable compromise. We have several priorities. We need to find a way to extend the constitutional process beyond the duration of the Mulroney government's term in office so a new government with the confidence of Canadians can play a key role. The process must provide for the input of Canadians, and the result must be approved by Canadians. We need a cooling-off period and a healing process before we can debate the contentious issue of division of powers. As my earlier remarks suggested, we are sharply divided on this question. Any attempt to rush that issue in today's climate will spell disaster. These first priorities suggest we need to buy time, we need to find a way around Quebec's 18-month deadline, which brings me to the third priority.

We must make a gesture of goodwill toward Quebec without giving away the country. This gesture must encourage Quebec to give Canada the time and goodwill we need to arrive at a democratic solution, and Quebec must be brought back into the process. Any attempt to ram through a comprehensive new Constitution in less than a year and a half will be extremely divisive, and Canadians will not tolerate it. The kind of Constitution Canadians would want would be very different depending on whether Quebec is inside or outside Canada, but anyone who underestimates the mood of Quebec, the impatient mood, is foolish.

We are in a bind, but there is a way we can get out of it. I propose two national referendums. One, this fall, would ask Canadians to affirm that they really do want to work together to keep this country united, and it would propose a process. The second referendum would allow Canadians to approve the completed constitutional proposal. We need to determine now whether there is a will to stay together as a country. The first referendum should ask Canadians for a process of up to five years in which to negotiate all major constitutional issues concerning Canadians, including the relationship between Quebec and the rest of Canada. It should stipulate that Canadians should be involved in the process and have a final say on the outcome in a vote requiring approval in all regions. You'll notice I did not use the words "constituent assembly."

Now I'd like to make a crazy suggestion, but there's method in my madness. Like the majority of Canadians, I opposed Meech Lake and still do, but I suggest that the provisions of Meech Lake which apply directly to Quebec be enforced on a temporary basis during the negotiation period. They would expire when a more comprehensive agreement is reached or after five years if no agreement is reached. This sounds crazy, and it may appear at first glance to be reopening a can of worms, but I believe many Canadians like myself who opposed Meech Lake could live with it for five years if we believed the concerns of other regions and interests would be dealt with before anything is carved permanently in stone. Most of all, it would be a small gesture of goodwill towards Quebec, and at this time we should not underestimate the value of gestures. You'll note that this proposal gets around the most offensive parts of Meech Lake. There would be no provincial unanimity requirement since the Constitution would be amended by regional referendums. There would be public involvement. There would be certainty that other concerns would be met before Meech Lake could be carved in stone, and because only those provisions applying directly to Quebec would be in force, other provinces would not be able to opt out of future federally funded programs.

1:14

There's a huge risk in putting this process to Canadians in a referendum this fall, but I believe the risk to unity is greater if we're browbeaten by Quebec's 18-month ultimatum and another round of Mulroney manipulation and deadlines. We need time to achieve a lasting solution, to re-establish good will, to heal the wounds before we start again, and to replace Canada's leadership with one Canadians can trust. I believe a fall referendum dealing only with our willingness to negotiate, as I have described, and not with the controversial constitutional substance would be successful even in Quebec. It would send a signal across Canada that Canadians do want a solution, and it would allow us to reaffirm our faith in this country. It would send a signal around the world that Canada is not about to break up and we are committed to solving our problems. Most importantly, it would buy us time.

MR. CHAIRMAN: Thank you very much. Questions? Fred.

MR. BRADLEY: I have a question with regards to your position relating to centralization of responsibilities. Would you be prepared to transfer some of the current powers which provinces have in health, education, and environment if that meant we would have a lower quality of services in these areas? There are a number of areas in which Alberta has set some very high standards. Albertans expect very high quality of services, and I don't believe the federal government has the fiscal capacity to maintain the high level of services or standards Alberta currently has. So would you accept a lower quality in terms of those areas than we currently have if we were to transfer these powers to the federal government?

MR. McGUIRE: Well, you're assuming we would have a lower quality, and that's not one I necessarily accept. I think education is one of the few things – I strongly agree with the present federal government that we need national standards and a greater national role. Our education system is too fragmented. Canadians these days move from province to province, and the standards are incompatible. Environment: I think provincial governments tend to be too close to the business interests that propose environmentally damaging projects, and a federal government is more distant from them and more able to take an objective look. Health: we've seen some of the provinces wanting to put in user fees, and we're one of the few provinces that still has health premiums, and I think some of these things could be better handled at a national level.

Those are probably the three main areas I would see moving to the national level. Essentially, I would keep most of the powers as they are, except to the extent Quebec may require a certain degree of autonomy the other provinces don't have.

MR. BRADLEY: Well, I can give you some examples where currently the federal government does have sole jurisdiction, areas of perhaps education and health as it relates to our aboriginal peoples, and in terms of environmental standards in the national parks. In Banff townsite they did not meet what would have been Alberta requirements in terms of sewage treatment and other issues. The Indian reserves: did you think that the federal government having sole jurisdiction for the health and education of our native citizens has been successful and that those standards equal the levels of health and education other Albertans receive which are under the provincial area of responsibility?

MR. McGUIRE: Well, I'm not going to defend the federal government's handling of the Indian reserves. I think there are drastic changes needed in that area.

MR. CHAIRMAN: Pam Barrett, and then Jack Ady. We must move on.

MS BARRETT: Yup, really quick. You said you thought the provisions of Meech should apply to Quebec for the five-year period during which negotiations would be conducted. Would you ask that that be part of the referendum that went out this fall if the latter were to occur?

MR. McGUIRE: Yes, I would. That might be a contentious point in English Canada, but I think we have to make a major gesture to Quebec to get them back into negotiations. I don't think most of Meech Lake is too offensive. The things that were offensive, as I said, such as the unanimity requirement, the behind closed doors, are left out of what would go in place.

MS BARRETT: This is a tempting long conversation. I'll avoid the temptation. Thank you, Mr. Chairman.

MR. ADY: My question has to do with aboriginal self-government. I notice in your brief you indicate that you would put some restrictions on what you would allow to take place on an Indian reserve, yet you don't really define aboriginal self-government. Some of our other presenters put forth a scenario where the aboriginal nations would be allowed to develop whatever form of government it might be, whether it even be sovereign, totally separated from the rest of Canada, in which case we would have no control over what they did on the reserve. Whether it be environmental, armed forces, the rest of Canada would be at arm's length with no control. What do you really advocate for Indian self-government, native self-government?

MR. McGUIRE: I wouldn't go as far as you're suggesting, as far as some of those presenters have gone. I think I indicated in my brief that Indian self-government is not an issue I know a tremendous amount about, so I expressed more of a general wish that they would have a greater role in governing themselves. But I can't claim to be an expert on the details in that area.

MR. CHAIRMAN: Thank you very much, Mr. McGuire. Well, you made your point very clearly. You would like to have a strong central government with more responsibilities as long as it's not the present government in office.

MR. POCOCK: Mr. Chairman, members of the committee, the second presenter this afternoon is Christine Bremner.

MRS. BREMNER: Good afternoon, Mr. Chairman, ladies and gentlemen. I am sorry I didn't make a copy of my brief available in advance, but I have an extra copy here if you'd like it later.

MR. CHAIRMAN: Thank you. I should mention to those of you who didn't hear before that if you have an extra copy, please leave it with us. We will have it circulated not just to the members of this panel but to the other half of the panel who are now meeting in Calgary as well.

MRS. BREMNER: I'd like to talk today on multiculturalism as it affects national unity. I'd like to read my brief. It'll take about eight minutes, so I hope that's acceptable.

MR. CHAIRMAN: Surely.

MRS. BREMNER: "All human beings are born free and equal in dignity and rights," states article 1 of the Universal Declaration of Human Rights passed in 1948. In 1960 Royal Assent was given to an Act of Parliament that guaranteed rights and freedoms, life, liberty, security of person, enjoyment of property, equality before and protection of the law, freedom of religion, of speech and assembly, and of the press without discrimination by reason of race, national origin, colour, religion, or sex. A glaring exclusion in the last phrase is the omission of a reference to a mother tongue, and that was remedied in 1969 with the passing of the Official Languages Act.

With the granting of equal standing for French and English, officially speaking at least, the Canadian government began the evolution of a program of multiculturalism. Government policy at the federal and provincial levels began to encourage the formation of groups along ethnic and linguistic lines. Since religion is often indivisible from nationality, faith also played a prominent part in the formation of some cultural groups. The ostensible purpose of multiculturalism was to keep alive the traditions and languages of the countries left behind. In part multiculturalism also seemed to offset the rights granted to Quebec, rights that enabled the province to wield a power out of all proportion to its population. It was hoped that cultural groups would ease the passage of newcomers into Canadian society and promote tolerance and understanding. It was, most agreed, a good thing, and thousands of groups were formed and received government encouragement and funding. A federal ministry was created for that very purpose, and most of the provinces followed suit. Dozens of folk arts festivals were established, and in the heady days of the early '70s, multiculturalism seemed to fulfill many of its original hopes and dreams.

Now, two decades later, I contend that the policy of multiculturalism has helped to divide this country instead of reuniting it. Far from promoting equality and tolerance, it has divided Canadians along ethnic lines by placing emphasis on cultural traditions that may not be common to the majority of Canadians whatever their background. Multiculturalism emphasizes our differences, not the factors we have in common, and by institutionalizing these differences we are promoting divisions in our society that drive us further apart. We've created a generation of hyphenated Canadians. We have become English-speaking Canadians, French-speaking Canadians, Ukrainian-Canadians, Chinese-Canadians, whatever. We have institutionalized multiculturalism to such an extent that on the last sentence of this questionnaire, which asked for ethnic background, there was no block to check for Canadian. We've created two classes of citizens, those who regard themselves as ethnic Canadians and those who regard themselves simply as Canadians.

1:24

Many of these cultural groups have become political lobby groups, and they agitate for special recognition, special funding, special rights. Far from ending discrimination, government response encourages the concept of special status. Consultation of special interest groups has become a growth industry, and that is discrimination. Several groups of ethnic origin have taken it upon themselves to lobby the government for changes in foreign policy, and I think it could be argued that they are acting as expatriate citizens of the countries they left behind and putting the interests of Canada in a secondary role. While it's difficult indeed to totally separate oneself from a mother country – and as an immigrant I'm aware of that – Canadian citizenship demands that one place Canada ahead of any other political loyalty. Far from encouraging tolerance, multiculturalism, by dividing our society into groups based on the very things we have tried to legislate against – race, colour, national origin, or religion – is confirming our support for these very distinctions.

Think about it. A day seldom goes by without media mention of the race or ethnic background of a person involved in news stories. Why is this so? Is a person's ethnic background or religion germane to a news item concerning economics, politics, occupations, or charities? The answer is no, or it should be no. Often background is mentioned because we have established these lobby groups within our society and sanctioned them with influence and status. Proponents of multiculturalism argue that it is important to keep traditions alive and it is the duty of the government to support them. I would argue that if tradition and language are important to a group, they will keep them alive themselves. Many governments around the world have tried to repress a language and failed, and governments who have tried to impose a culture have met with equally dismal results.

Before the official policy of multiculturalism there were cultural service groups, self-founded and self-funding. Somehow they found the money to establish language schools, dance groups, newsletters, and social clubs. All were based on the support of the participants. These groups kept alive their traditions and languages out of a sense of history. They passed on to their children that which they sought to preserve while impressing upon those children, the children of my generation, the importance of becoming a part of their new society. These groups amalgamated into Canadian society while maintaining their heritage.

Thirty years ago Canadian school children learned Canadian history and geography. They learned Canadian values. Now, I grant you that those were largely of the Commonwealth, but they left school with a sense of what it meant to be a Canadian. When I attended public school, my friends came from various backgrounds. When I went to choir practice, one of my friends went to Hebrew school. When I went to the Saturday morning movie matinee, some of my friends went to Ukrainian school, and we all went to Brownies, Girl Guides, Cubs, and Scouts. But neither they nor their parents expected the public schools to provide these opportunities. They were important enough to them to provide them for themselves.

It should not be incumbent upon the Canadian taxpayer to fund cultural groups and educational programs at the expense of those programs that provide Canadian content. Yes, we are largely a nation of immigrants, but in 300 years we have created a country which is unique and envied by many others countries in the world. But if you ask a Canadian to define what being a Canadian means, while some will mention peace, order, and good government, the principles behind the BNA Act, many Canadians will define Canada in terms of what it is not – it is not the United States – or they will define Canada in terms of our social programs. We no longer have that sense of nationhood, of national objectives, of national success, obviously not national unity. We have concentrated on our factions: French against English, natives against white, regions against regions, and culture against culture. We have concentrated on what drives us apart and not what binds us together, and multiculturalism has played a significant role in this factionalization.

When I was looking at some reference books in putting this piece together, I came across a rather interesting quote, and I'd like to use it to sum up this statement:

> No policy can be regarded as wise which divides the people whose efforts and resources must put it into effect. This consideration applies not only to the two main cultural groups in our country. It applies equally to sectionalism of any kind. We dare not fashion a policy which is based on the particular interests of any economic group, of any class or of any section in this country. Our history has shown this to be a consideration in our external policy of which we, more even than others, must be perpetually conscious. The role of this country in world affairs will prosper only as we maintain this principle, for a disunited Canada will be a powerless one.

These words were spoken in 1947 by Louis St. Laurent at the Gray Lecture at the University of Toronto. I think we'd do well to remember them.

MR. CHAIRMAN: Thank you very much. Questions? Comments?

Jack.

MR. ADY: Yes. I don't mean to take issue with what you said because I don't take issue with it, except a question: in the process of dismantling the structure presently in place to support multicultural groups, would you include the aboriginal people in that vacuum?

MRS. BREMNER: If you don't mind, that's a subject I'd rather not touch on, because I don't . . . Yes, it's multiculturalism, but these are – what shall we say? – aboriginal people and not immigrants. I was concentrating, rather, on the . . . I sound like I'm weaseling, but I was concentrating largely on immigrants to Canada and multicultural funding in that respect.

MR. ADY: Thank you.

MR. CHAIRMAN: John.

MR. McINNIS: Yes, Mrs. Bremner, the suggestion was that funding for ethnocultural groups and ethnocultural programs is done at the expense of Canadian content. Did I understand you correctly?

MRS. BREMNER: Yes, it is.

MR. McINNIS: To me that suggests there's a trade-off in terms of government finances. What I'd like you to expand on is whether you think it's the job of the government to promote Canadian culture, and if so, what kinds of things should governments be doing to promote Canadian content?

MRS. BREMNER: Yes, Mr. McInnis, there is only one pie, and that's the pocket of the Canadian taxpayer. It doesn't matter what level of government we're talking about; we're the ones that fund it. And yes, if you put more money into one sector, you're obviously taking it away from another sector unless you increase taxes again. Yes, I do believe it is the duty of the government to promote Canadian culture as such, whatever it may be. And culture, of course, is organic. It comes from the people. As I said, governments cannot impose a culture; they can encourage it. They can attempt to repress it. I think some of the funding that goes into multicultural programs should be concentrated in educational areas. I think it should also be concentrated in, perhaps, cultural areas as such, because we tend to forget that when we talk about Canadian culture and mention things like symphonies and operas, all or most of that is imported too.

MR. McINNIS: So what you're thinking of is, in fact, subsidies for art, music, literature, these things we call culture? Is that what you're thinking of?

MRS. BREMNER: We do that now, yes.

MR. McINNIS: And you'd like to see more of that done.

MRS. BREMNER: Yes, I think I would like to see more.

MR. McINNIS: Thank you.

MRS. GAGNON: If I might just quickly . . .

MR. CHAIRMAN: Yes. Yolande Gagnon.

MRS. GAGNON: Thank you. Could you define for me what you think is Canadian culture?

MRS. BREMNER: I'm sorry, Madame Gagnon, I only have five minutes.

MRS. GAGNON: Well, just quickly, if you could try a little synopsis.

MRS. BREMNER: What a good question. I suppose when I'm talking about Canadian culture I'm talking about Canadian art, Canadian literature, Canadian music. But I would like to see an emphasis in the schools on Canadian history, on Canadian geography and sociology rather than concentrating on putting in, for example, one . . . I don't want to single out any particular ethnic group, but apparently in the city of Calgary there is a sufficient number of Central American and South American immigrants now that they are agitating for the establishment of a bilingual school in English and Spanish, for example. I don't think that is the responsibility of the Canadian government at any level.

MR. CHAIRMAN: Well, thank you very much for your comments, and if you leave a copy of that with us, we will make sure it is circulated.

MRS. BREMNER: Thank you very much, Mr. Chairman.

MR. CHAIRMAN: We appreciate you coming in right on time.

MR. POCOCK: I would like to invite Michael Asch to make his presentation.

1:34

DR. ASCH: Thank you for the invitation. I won't spend a lot of time reading this brief, as I submitted it before. I did make one change, so I will leave you the final version of it. I will read that change, and I will discuss a little bit, but specifically on the aboriginal issue, although there are some matters regarding the way that I would see Canada as organized that may be of interest as well at some point.

In my document I end up, as you know, with certain specific recommendations. What I added was that I wish to make it clear that the point of view and recommendations discussed here are not intended to represent an aboriginal point of view; I make that really clear. Rather, it derives from my belief as a nonaboriginal Canadian that Canada must come forward with a constitutional proposal that accepts the fundamental truth of the inherent status of aboriginal peoples. We can then deal with where we might go from there, but I do think that's a position that we need to take.

My specific recommendations, which come at the end beginning on page 8, are, first of all, for a preamble to the Constitution. Let me just pause for a minute. I really don't think that we as Canadians have spent enough time thinking about some kind of a statement that we might make as Canadians about ourselves as part of the constitutional document. The 1867 Constitution is really devoid of any statement about who we are, and the 1982 Constitution is very, very limited about a statement as to who we are. What I've heard from presentations is that people would like to make a statement about who we are, and I think a preamble to the Constitution is the place to put it. While technical experts can deal with division of powers and how we should organize the state in an institutional way, I think if we could open up discussion as to a preamble, we might get more participation from Canadians in general about what we think of ourselves and how we think of ourselves.

So I would like, as part of this preamble, something that clearly expresses the role of aboriginal nations in the formation and continuation of Canada. At present Canada's constitutional ideology is based on an assumption that aboriginal nations are inferior, and I'm not just saying that out of whole cloth. We did have the recent Gitksan case, which was not a rogue decision. It was, in fact, a decision that in my view follows the ideology that now exists in law in Canada regarding aboriginal nations. I remind you that the Supreme Court in R. v. Sparrow said:

> It is worth recalling that while British policy toward the native population was based on their right to occupy their traditional lands, a proposition to which the Royal Proclamation of 1763 bears witness, there was from the outset never any doubt that sovereignty and legislative power, and indeed the underlying title, to such lands vested in the Crown.

That is our constitutional ideology as far as I can see with regard to that, and I would like to see a preamble that would instruct the Supreme Court that it could not conceptualize Canada that way. You would have to conceptualize Canada as a coming together of peoples and not on the basis of a mere assertion of sovereignty by Great Britain. So I suggest here, based on a partnership between the descendants of the colonists and the descendants of the aboriginal nations, that a primary objective of Canada is to bring peoples together.

Second, a clause in the Constitution that recognizes inherent aboriginal sovereignty and self-government. At present Canada assumes that sovereignty was automatically acquired by Great Britain through settlement. As a result, Canada assumes that aboriginal self-government can only come into existence based on an amendment to the present Constitution. The thesis of settlement must be replaced by one in which Canada is seen constitutionally to be the result of the voluntary association of First Nations, which includes Metis, and Canada. A consequence is that inherent sovereignty and the right to self-government exist until a treaty of mutual partnership has been made.

Three, a clause in the Constitution that recognizes the general frame of the consociational relationship. By that, for those of you who have done any political science, I'm not using it in the sense that Lijphart uses the word consociation; I'm using it in the sense of partnership between different cultural communities, aboriginal and nonaboriginal communities. The alternative I would propose is one in which general areas of jurisdiction are negotiated now and placed into a constitutional framework, and this framework needs to include at minimum a system to resolve potential disputes between governments. What I mean by that is not a hierarchical arrangement in which a senior level of government can automatically disallow legislation of an aboriginal government.

I won't take any more time on that. As I said, I think you've had a chance to look at it. If you have any questions, I'll try to stay on the money.

MR. CHAIRMAN: Thank you very much. Well, I'm sure there will be some questions.
John McInnis.

MR. McINNIS: Dr. Asch, the question I have is not so much about how self-government and native institutions work in native Indian communities but within urban communities, because it seems to me that we have a growing problem with aboriginal people. Where I live in west Edmonton there are a lot of them who in many ways seem to me to be worse off than some of the people who are on Indian lands. Have you given much thought to how these concepts of native justice and self-government could apply in an urban setting?

DR. ASCH: Well, actually, I have given some thought to it. Let me preface this by saying that the work that I do in general, as you may know from this document, is in the Northwest Territories. In the Northwest Territories we have a much more even distribution of population and in some areas people living side by side. There are only two reserves, and they play a very minor role. So in terms of trying to resolve this issue, the Northwest Territories has been spending a lot of time trying to figure out what to do. Because it's a new area where people are really thinking through the problems, I certainly don't want to get ahead of the process, but I think what's happening there is instructive, and I think we should keep our eyes on it.

In terms of what we do know, when we take a look at the way in which the Supreme Court has dealt with the question of the "where numbers warrant" clause of minority language education rights, I think we begin to find a formula of the kind of relationship that might work with regard to aboriginal people living off reserves: negotiated arrangements – seats on school boards, for example, with regard to classes, education rights. I would really like to see the day – and I'll be idealistic here, because I only have my 10 minutes. I'd like to see the day when we have a system in place where I would feel comfortable sending my child to a school in which he or she would learn Cree and learn something of that language at the same time that the people who were having those special programs in an urban environment would feel very comfortable with the idea of having sharing in both directions. That's the kind of situation that I'm looking for, not to ghettoization but to the security that will lead people to want to explore the other.

MR. CHAIRMAN: You mentioned your work in the Northwest Territories. I'm sure you will agree that the situation with regard to aboriginal peoples across Canada varies dramatically from province to province and in Yukon and the Northwest Territories. From an Alberta perspective we've gone through a period now where we've been dealing with Metis peoples and providing a specific land base, 1.2 million acres, on the Metis settlements and a form of self-government which they themselves have devised. When we tried to get that constitutionalized by having an amendment to the Alberta Act, the federal government balked at that. Were you aware of that?

DR. ASCH: No, I wasn't.

MR. CHAIRMAN: They didn't want to do it for Alberta because of the implications that it might have in other provinces. We found that very frustrating because we thought we'd really reached a milestone in the development of a new form of aboriginal self-government. Alberta, with respect to Indians, is covered by treaties by and large, and there are some land claim settlements which certainly remain to be concluded, but that is not the case in British Columbia.

DR. ASCH: That's right.

MR. CHAIRMAN: So my view has always been that it's going to be extremely difficult to have a sort of pan-Canadian solution to the problem. Would you agree?

DR. ASCH: I believe it'll be hard to have a pan-Canadian solution to the problem. Okay? But what I'm advocating here is that all of the 11 governments plus the two governments of the territories agree as an undertaking with regard to where you start that you accept some of the propositions that I've put forward here. I think that would provide a basis whereby the different arrangements that might happen in different places could be more easily resolved.

1:44

MR. CHAIRMAN: Well, you know the Metis people of Alberta were included in 1982 as a defined aboriginal people: Indians, Inuit, and Metis. The federal government has not accepted that that requires them under section 91 of the Constitution to accept the same responsibility for Metis people that they accept for . . .

DR. ASCH: I'm aware of that, yes.

MR. CHAIRMAN: That is a very real dilemma for the provinces. Some provinces are saying, "Oh, yes; it is the federal government's responsibility." On the other hand, Alberta said, "Listen; we'll do it," and we have, and I think we've made some good progress there. So it's a very complex issue.

DR. ASCH: Well, I agree with the complexity. What I'm calling for is that regardless of who in the end takes jurisdiction, and I think that will be an issue with regard to the present arrangements that exist, if we start off with the proposition that we have to develop a partnership relationship with aboriginal nations – and I think with good faith we can get the 11 governments to agree on that – I think it will be easier to work through the differences. I think it's because of the way the jurisdictions are messed up now that would create the problem.

MR. CHAIRMAN: Right.
Pam Barrett.

MS BARRETT: Thanks. One simple question. My suspicion is that if you'd walked forward 20 years ago to propose this, you'd have been considered somebody who walked off another planet. I happened to notice that you are an anthropology prof. Do you happen to know what level of support these types of recommendations might enjoy, as a result of studies that you've seen or polls or anything?

DR. ASCH: Well, the polls that I've seen are encouraging in one respect: that there is a lot of support for the aboriginal issues. On the other hand, I think, as we've already heard today, there needs to be a lot of education with regard to the details of this issue. I think there's a tremendous goodwill out there, and if we can figure out the way to act on our side, I think we can get over the hump. I think we're pretty close to that point now.

MS BARRETT: One more question. Certainly last year, the year before the state and future of Canada's aboriginals was, I think, fairly prominent in the general Canadian mind. Do you know if that's still the case?

DR. ASCH: Yes. So far as I know, it is very much still the case.

MS BARRETT: Thank you.

MR. CHAIRMAN: It's a very challenging issue for Canadians, because to some degree I think the news media try and paint the picture as if it were uniform across the country. We know that the Royal Proclamation of 1763 really impacts upon central Canada. The treaties of western Canada are quite separate. British Columbia is not covered by treaties, and obviously a tremendously dynamic and emerging process in the Northwest Territories and Yukon has given a very interesting dynamic to this whole issue. But it's not the simple sort of, well, let's do right by the aboriginal people because we've done so badly by them in the past. It's not that easy to accomplish. I appreciate your thoughts.

Thank you.

DR. ASCH: Thank you.

MR. POCOCK: I'd like to invite the next presenter, a representative of the Society for the Retired and Semi-Retired, Hazel Wilson.

MISS WILSON: I welcome this opportunity to make a presentation on behalf of a large group of older people who live in the city of Edmonton. We have submitted a brief to you which I think is very clear and concise and makes our point, but I would like to reiterate that we have spent a good deal of time studying this issue. We had a citizens' forum with the Spicer commission on February 4 and decided we needed more information and subsequently had four open meetings to discuss specific issues. At one of those Mr. Stan Schumacher, who is vice-chairman of this committee, made a presentation to us. We made use of your discussion papers on the constitutional task force and used the transcripts of the round table discussions. So it was with considerable background information and much discussion that we approached the task of putting words on paper for you.

The first thing we want to say is that we consider ourselves Canadians first of all and are proud of it. We do want a strong country. We want Quebec to remain as part of Canada. However, we do believe that there cannot be two sovereign nations in one country.

Using your task force discussion paper, I would like to reiterate some of the items. The first one was a Constitution for a new Canada. We believe that the present Constitution allows for flexibility and has served the country well; therefore, it should not be drastically changed. However, if we are to survive as a nation, we must have a strong central government. This doesn't mean that some adjustment in powers is not desirable, but it needs to be negotiated.

Federal institutions. The House of Commons: the firm and rigid notion of party discipline which dominates the House of Commons' activities is not acceptable and really must be changed. A mechanism should be put in place where an elected Member of Parliament representing a given constituency who does not conform to the wishes of the electorate could be replaced. We believe that federal elections should be held every four years and that a national referendum on vital issues could be held at the same time. The Senate: we think it's imperative that there be Senate reform. Certainly the recent patronage appointments of additional members to the Senate in order to pass the GST legislation is offensive. The members of the Senate should be elected and not appointed, as the present practice.

The First Ministers' Conference: these should take place as required but should not be entrenched in the Constitution.

Supreme Court appointments: the Charter places limitations on the powers of the executive and legislative governments. That is one of its great strengths. For this reason alone the procedure for the appointment of Supreme Court judges should be a central factor in any constitutional change. The judges should be subjected to public scrutiny before appointments are confirmed, and they should be based on merit and should represent regions.

Division of powers: there has been a growth in both levels of governments resulting in areas of duplication. This can be eliminated without constitutional change and should be done in the interest of efficiency and effectiveness.

We, too, believe that there should be a national standard of education. We think that federal and provincial governments must come to an agreement on taxation and powers that will ensure universality of social programs. We think the time may now be right when there should be a Canadian charter of social rights. We don't want to see a revision of the Constitution that would enhance an alliance between government and corporations, because this really would be at the expense of workers, natural resources, and the environment. We support a pragmatic arrangement to reconcile symmetry and asymmetry either through an opting-out procedure or an opting-in procedure. We don't support federal funding if provinces opt out of a program.

We support the Charter of Rights. We think any constitutional change made should maintain and strengthen the Charter of Rights and Freedoms. Under it all Canadians are treated equally and justly except where historic guarantees, such as the civil law, religion, and language of Quebec, already exist. If these guarantees are not sufficient for Quebec, then Quebec should separate totally from Canada. New Canadians should be informed they are expected to participate as full members of Canadian society. Multiculturalism can add to the Canadian mosaic, but as presently emphasized by government, it is divisive.

1:54

With the demographic change occurring in Canada, it would be appropriate to recognize the International Federation on Ageing's declaration on the rights and responsibilities of older Canadians.

On bilingualism: we're not a bilingual nation, but we believe that French and English languages in Canada enrich our culture. We support the principle of education in French and English at public expense for those who want it. Where population warrants, federal institutions should provide services in both languages.

On aboriginal issues: we believe land claims should be settled with no unnecessary delay. Aboriginal people should be recognized in the Constitution as the original inhabitants of this land. A form of self-government acceptable to the aboriginal people should be negotiated, and provinces should not accept the federal government's efforts to transfer its responsibilities for Indian affairs to provincial governments.

In conclusion, we wish to state again that we do not see a need for drastic change in Canada's Constitution. We believe that a strong central government is necessary if we are to remain a nation and to be able to call ourselves Canadians and to be proud of it.

MR. CHAIRMAN: Thank you very much. I want to compliment you on the background studies that you've undertaken. I'm sure that it's been an educative process for members of your organization and that you've all been enriched by that process. I appreciate your comments today.

Yes, Yolande.

MRS. GAGNON: Thank you very much. Talking about the rights of seniors and so on, do you think that should be in the Constitution as a constitutional right?

MISS WILSON: Well, there is an international rights for seniors that's just been published, and I think maybe the time has come, because of the demographic change, that it should be looked at.

MRS. GAGNON: And as a constitutional guarantee kind of thing?

MISS WILSON: Yeah. Uh huh.

MR. McINNIS: Who's the author of that declaration that you mentioned? Is that the United Nations?

MISS WILSON: It's the International Federation on Ageing Declaration of the Rights and Responsibilities of Older Persons. I can get you a copy if you like.

MR. McINNIS: Is it a private organization?

MISS WILSON: I don't think so.

MR. CHAIRMAN: It sounds like a voluntary organization of different groups of seniors, I would expect. I'm not familiar with it, so we'd like to have a copy of that. I think that would be helpful.

MISS WILSON: All right. I'll see that you get one.

MR. CHAIRMAN: Yes. Pam Barrett, and then Fred Bradley.

MS BARRETT: Yes. I'm, first of all, very impressed with the comprehensive report. I saw it earlier when it arrived, and I thought, boy, talk about quickly down to the point. You guys know what you're doing.

I want to ask you a question, though, on one subject that I'm not sure is made as clear as most of the others, and that's under social programs. It's on page 2. At the end of that, under section (b), you say that there should be a Canadian charter of social rights. Now, can you describe how you folks talked about that? Like, were you talking about spelling out certain ceilings or floors of programs under that section, or just general statements of entitlements?

MISS WILSON: I think right now we feel that social programs in Canada are threatened, and I think that as a rich nation we should really have some social charter of rights that protects the poor and others.

MS BARRETT: Okay. A supplementary.

MISS WILSON: Here I'm not talking just about older people. I'm talking about the . . .

MS BARRETT: Yeah. I figured that out.

Okay. Here's the problem that I see then. If you say that everybody's entitled to an education, which we do say, and you can have various districts arguing about what constitutes an education, did the society members who participated in creating this document talk about the specifics of whether you want a general statement on your social charter or whether you wanted to talk specifics in terms of expectations that Canadians could rightfully expect?

MISS WILSON: At the present time, because we feel social programs are threatened, we were talking generally, but I would suggest that we are prepared to be specific when the time comes.

MS BARRETT: Thank you.

MR. CHAIRMAN: Fred Bradley.

MR. BRADLEY: Yeah. I, too, would like to compliment you on the just excellent presentation that you put forward. A great deal of thought obviously went into it. On the question of national standards of education, you don't necessarily suggest that should be a constitutional item. Are you suggesting that what we have in a number of other areas in terms of federal/provincial relationships – I can give an example: drinking water standards is something that's come in an agreement amongst the provinces and the federal government through the Council of Ministers of the Environment. Are you suggesting that perhaps we can arrive at national standards of education through a similar process, where we would have agreement amongst the provinces and the federal government and negotiate that national standard?

MISS WILSON: Yes. I think some things have to be flexible, and this would change. As standards change and needs change, I think education will change, so I would not see it being in the Constitution. I would think it could be negotiated in agreements. But people move so much, and when the children go from one school system to another, there's no real standard in terms of where they're at when they move, and they go ahead or they go back, et cetera.

MR. BRADLEY: A second question. You mentioned in your brief the concept of universality of social programs, and Ms Barrett touched on that briefly. In terms of universality of social programs, because of the high standards and quality of programs we have in Alberta today, if that meant that on a national basis we would lower the quality of programs which Albertans had if we had this concept of universality, would you be prepared to accept that?

MISS WILSON: Well, when I talk about universality, I talk more about social programs, and I would see . . . They differ, I guess, and they differ somewhat in terms of the wealth of the provinces. But I think we should have some national standards of social programs, of universality. The society strongly supports universality of programs and thinks that if we had a progressive tax system, it should be paid for in that way, that the rich would pay in that way to make it universal.

MR. BRADLEY: Even if that meant that there may be a lower quality of delivery of those programs?

MISS WILSON: Can you give me an example of what you mean?

MR. BRADLEY: Well, I can specifically look in terms of perhaps the environmental area or, more specifically, in terms of delivery of programs in federal areas of responsibility today relating to our native citizens; for example, in health and education on Indian reserves today, where the federal government has sole jurisdiction in that area. I think some would question whether the standards which are met there in terms of delivery of those services equal the standards which are delivered to other Albertans living in the rest of the province. I guess my premise is that perhaps if we're going to have this guarantee across the country, it may in fact result, in terms of Albertans, in receiving services of a lower quality than they do today.

MISS WILSON: Do we have universal environmental programs? I think we don't, do we?

MR. BRADLEY: Well, we have set national standards in environmental programs. There are national standards which some provinces accept and others don't. In a number of areas Alberta's standards are higher than the national standards.

MR. CHAIRMAN: Well, that's something you may wish to think about. I just want to move along. I have a couple of questions, just quickly, that I want to put to you. You say that you want a strong country which would include Quebec; however, there cannot be two sovereign nations in one country. We've heard requests and indeed demands for sovereign nation status for aboriginal nations. You talked about self-government. Do I take that to mean some form of self-government which falls short of sovereignty as you understand it?

MISS WILSON: I understand that the natives are not united in this. Different people say different things, but some of the people we talked to gave the idea that reserves have something comparable to municipal standards, that they work within a standard, say, of the province they're in, that they're not separate and distinct, as I see Quebec's wanting to be, where they have nothing to do with the rest of us except trade. But I would see no reason why a reserve could not have some form of status that functions within the laws of the province.

2:04

MR. CHAIRMAN: Thank you. That's very helpful. The other point you make, and I thought it was extremely important – and you're one of the few presenters so far that has raised that – is the importance of the Supreme Court of Canada in determining the decisions because of the Charter as it impacts upon Canada's future and the necessity for a public process by which they are adjudicated. I thought that was an extremely useful point to bring forward.

Just one quick question. You say our social programs are threatened. What do you conceive to be the threat? Is it lack of funds and ability to pay?

MISS WILSON: I don't think so. It isn't lack of funds; it's setting priorities and deciding where money will be spent.

MR. CHAIRMAN: That's what we wrestle with, believe me. It's a very big problem.

Thank you very much for an extremely well presented and mature response. Thank you very kindly.

MISS WILSON: It was a group effort I think you realize.

MR. POCOCK: I'd like to invite Jim Lavers to make his presentation to the committee.

MR. LAVERS: I have some references that I'll just ask you to keep together and look at. One is a deposition I made to the Spicer commission. It should really be on top. So there's the stuff, some of which I'm referring to.

Are we actually a little ahead of schedule, Mr. Chairman?

MR. CHAIRMAN: Yes. One of the presenters has not shown up as yet, but we'd still like you to stay within your 15 minutes.

MR. LAVERS: Okay. So basically I'm looking at 20 to 25 after to be finished.

MR. CHAIRMAN: Yes, about that. Thank you.

MR. LAVERS: I want to give you just a little personal background. I taught social studies for a number of years and have a continuing interest I think in that area. I ran the first campaign in this province where a Conservative saved his deposit. That was the day before yesterday. I've been involved with federal, provincial, and municipal politics either as a campaign manager, contributor, candidate, or whatever. So obviously I'm interested in the politics of Canada at all three levels.

My deputation is not on the specifics of constitutional development. I'm sure you're going to get lots of that. I'm more interested – and I think more fundamental to the whole matter of constitutional reform is a matter of the sociology and the social-psychological model that we pick to run our country for the next hundred or thousand years. With that in mind, some of the things I have to say right at the start are very, very general, so general that in fact I suppose if this were not a general, open type of conference I would be called to order for not really looking at the Constitution. However, let me assure you that that is why I came, why I prepared.

I'm taking two almost contradictory views. One is that we have to assume a role as we have for 50 years at least as a world leader. This is not a statement that's in here but is inherent in what I say. That world leadership, however, must be of a new order. It cannot continue to be of a colonial nature. It cannot continue to be of a warlike nature. It cannot be as a sycophant: somebody else's notion of what constitutes "a new world order." So the vector that I would take in international affairs and, therefore, in foreign policy and in domestic policy is that we must as quickly as possible set a separate path. I'm thinking, I guess, of the two advocates of that, Trudeau and Diefenbaker, both of whom had rather poor relationships with our American counterparts, and for good reason. So that's the first general statement.

The second one that relates to that – and that's in here too – is that we have to look at the world as a very small place, truly a world order, and that the ecological base for that is declining. The thesis inherent in what I say is the presumption that the ecological basis for life on this planet is declining. I did not bring those books simply to make a speech on ecology. I don't think there's any doubt but that we have to look at the ecology first. That means that we have to play a leading part in that, not a follower part. So some of the things I say, particularly in the first two pages, deal directly with that. The models are there. They work, but they're certainly not on this continent; they're certainly not in this hemisphere. They're northern European for the most part. The kinds of things that you would be arrested for in other parts of the world, including Japan, are commonplace here in terms of the kinds of ecological disaster that we're formulating. I don't want to dwell on that, but that's part and parcel, the base of it.

The second thing – these are the two quotations that you'll find on the first page, and I've dealt with the first one – is that we have to look at what we admire, and I'm going to read this quotation so that the audience knows at least that much about it. In fact I'll read both quotations. The first quotation says:

> In nature no organic substance is synthesized unless there is provision for its degradation; recycling is enforced.

Recycling is enforced.

The second one says:

> The Ancient Greeks admired, in their art, what they called 'the glittering play of windswift thought' . . . Pericles admired man . . . Americans admire property.

I think, therefore, we have to look very closely at whether we admire property, whether we admire 'wo/man' and, therefore, whether we admire ideas. Then that brings us to: what ideas are we interested in?

So I start out with basically the general statements which are on the second page. I start out by talking about very general ideas, what I call sweeping generalizations, and one of the things that comes out of that, other than the ecological one, is that decisions are made parochially. There's considerable evidence that 50 people make decisions, 500 people make decisions, 5,000 people make decisions, 50,000 people make decisions, and 500,000 people make decisions. But once you get beyond that, it tends to break down, so that the ideal state is somewhere below 500,000 people. Edmonton, I think, represents that quite well. Edmonton is, I think, a truly Canadian city, and therefore represents perhaps a little bit more than even our counterparts to the south.

2:14

Decision-making by small groups of people is important, so then who is in that decision-making group, who is in that role becomes extremely significant. Now, the golden triangle has 950 out of a thousand of the people who make the decisions for Canada, in that area. That's part of our problem: the centralization of authority and decision-making. Inherent in that is the notion that a decision-making group is not necessarily the political decision-making group, which is what this meeting is all about; that a good proportion of those 950 people or the thousand are not political people. That's perfectly fine, provided there is a balance. I'm suggesting throughout the whole of this thing that that balance has been upset, that there is no balance, that we've gone from democracy to corporate-driven democracy very, very quickly. The evidence of that is in the United States. There's nothing wrong with corporations; I'm not suggesting that at all. I'm not anti any of these things. I'm just saying that if we're talking about the Constitution, we want to be perfectly sure that all of the groups are represented.

There is a model – in fact, two models – that I've presented to you. One is the notion of leadership, and this a common model. This is a management model, incidentally. If you take a little look at it – it's under subheading 3 on basically the first page of the actual material – you'll see that our friend Harper from Manitoba is down in the left-hand corner and our friend Wilson is up in the top right-hand corner. Those two represent the poles of what our problem is in terms of leadership and management function. I'm sure Mr. Harper, because he's a people person, had a lot more trouble coming to the decisions he had than Mr. Wilson, who is a productivity person, had. For Wilson the decisions would be easy: we must do this because we're looking at productivity. I'm not suggesting we don't need productivity. I'm just saying that the nature of our productivity must be examined. In the final analysis the priorities must be the social contract, with the industrial policy subservient to that.

The second one is really an interesting little book called The Coming Depression of 1990, and I guess the guy must have known something. It's an MIT professor named Bahtra. He has a design there which is as old as mankind, has been known for thousands of years, which suggests that basically there are four groups of people competing for authority.

How much time have I got?

MR. CHAIRMAN: Five minutes.

MR. LAVERS: Those four groups are in a constant state of flux, but the rotation always goes in a counterclockwise direction, not necessarily countervailing but counterclockwise. I would suggest to you that we are now in a real bind between the productivity people and the people people and that we're in a real bind between the intellectuals who are bankrupt and the inquisitors who have made us bankrupt. So those are sort of the deep sociological bases.

I want to then just quote one thing that I've got in large print. The notion that time and circumstances are linear rather than cyclical is suspect in the thinking of the ordinary citizen and has been with thoughtful people in all societies. Attempts to impose a political agenda with essentially linear, irreversible, irremediable vested interest components will certainly fail, as they are failing now, for the above and other reasons.

The summary then is: the test of any organizing principle is its success in rendering specifics. If you organize a state, does it in fact serve the people? It's not in its status as an abstract reality. If we want to talk about life, liberty, and the pursuit of happiness, fine. If we want to talk about peace, order, and good government, fine. But what does peace, order, and good government mean in terms of strategies? That's the point I'm making.

We are in an enormous bind with the public which is well ahead of the bureaucrat and the politicians. Every poll shows increasing undecideds: a clear indication that the existing system is not working. The malaise with the U.S. voters is equally evident, as represented by those who are not trusted. Tinkering or buying into the religion of Ottawa is not going to work.

So much for the sweeping generalizations.

The second part, part 2, which is on page 3, is the quotation from the Greeks. One of my heroes is this man Lapham who is the editor of *Harper's Magazine*. While he seems a bit cynical and perhaps just realistic, he does present an alternate view of what the United States is and to a certain extent what we are becoming unless we do something about it. Here's his quotation from the rich man's recession in *Harper's Magazine*, April 1991, pages 12 and 13:

> The government's fiscal and monetary policies appear to work against one another, and the interests of the domestic [policy] seem almost directly opposed to the interests of the international economy.

I would suggest to you that Mr. Bush and the feds in the United States and Mr. Wilson and Mr. Mulroney in Canada, and to a limited extent Mr. Crow, are simply not able to control domestic finances because they have an international concern.

I will skip the part about economics being a pseudoscience and bankers' input into things like the OAS and the World Bank, which are common knowledge, and just close with these comments.

My recommendations here are that Canada withdraw from the OAS – we should never had got in there in the first place – and we should look very closely at what the World Bank is doing; if you read page 4 of *Maclean's* magazine, they have serious concerns too. And that Canada relegislate in its new Constitution an overriding mechanism which, one, provides for dominance of fiscal policy – no more Coyne or Crow affairs – and, therefore, provides for the reality of domestic needs. Now, that goes absolutely totally contrary to internationalism. I'm not an anti-internationalist; I'm just saying that our monetary policy continues to work against our fiscal policy, and it's the fiscal policy that applies to the people. So this is a people paper, if you like.

How much time have I got? A couple of minutes?

"We are a nation of shopkeepers," and "I judge a nation as much by its plumbing as by its paintings." Those two stuck in my throat. You might be interested in knowing that that's from Dr. Owen Anderson's thesis – he read it in French and then I read it in English – vintage 1971 or '72.

When we compare these concrete, rational, pragmatic statements by de Gaulle at the end of World War II with the kind of stuff we're hearing – they're so general they can't be pinned down – then we have to look very closely at which way we're headed. De Gaulle literally built the only republic France has had since 1815, and he built it on a stable base. I'd like to suggest to you that it's based on those two statements: "We are a nation of shopkeepers," and "I judge a nation as much by its plumbing as by its paintings."

The question being: is our public policy to be totally market driven? If not, what is our game plan? If so, what will we legislate to deregulate and what impact will that have on the economic and political shape of Canada?

One minute? Or am I all finished?

MR. CHAIRMAN: No. Just take a moment or so and perhaps give us your final conclusion.

MR. LAVERS: Okay. This paper was not prepared just to be presented here. That's obvious because there's far too much material for 15 minutes.

I'll just read you two things from Louis Riel: the lawyers, and the centralists. I just couldn't resist that. The logical, natural consequences of the imposition of a centralist view of history and economics, taxation without equitable representation has, as in Russia at the moment and in western Canada a century ago, led to a counterbalancing movement at a visceral level that cannot be denied. I don't know how far we're going to go. I don't see Regina riots like 1932, but I think we could have all sorts of problems.

The next Constitution – this is the last page, obviously – must have input mechanisms that cannot be denied or circumvented, and I refer to the monarchy madness. We had to bring in the Queen to get the GST pushed through. I think that kind of nonsense has got to stop.

Reflect the demographics, the needs, the views of all the electorate not just special interest groups, and we're going the special interest groups way. We have to counteract that.

Third, we must ensure a review of policy stemming from the Constitution and whatever replaces Parliament; in other words, realpolitik. For example, in the whole business of gun control, gun sales domestic and foreign we're speaking with a forked tongue and it's not working.

Not be so weakened and decentralized as to allow corporate access at the expense of the ordinary citizen and market driven initiatives that take precedence so many times.

I think that's sufficient.

2:24

MR. CHAIRMAN: Thank you very much. Unfortunately, we don't have much time to ask questions. Perhaps one or two quick questions, if there are. We have your written document which we find quite fascinating.

MR. McINNIS: I have a quick question regarding your opening comments about the ecological crisis and how we may be destroying or compromising the basis for our life on the planet. Would you support the idea of making a clean environment a national purpose in our Constitution, trying to guarantee in some way clear air, pure water, and clean soils for Canadians?

MR. LAVERS: Rather than giving sort of a politicized answer to that, I think we have to deal in what I call appropriate definitions: what do we mean by "sustainability"? If we deal with that, then the answer would obviously be yes. But what do we mean by sustainability, because we're tending to bandy words about, and we don't have any adequate definitions. In fact, I don't think we know, but I think we've got some pretty good ideas. For instance, that book, the atlas of management – and that was written in 1984 – is both statistically and visually correct, as far as I know. So to answer your question the answer would be yes, but we want to determine as Canadians what we mean by sustainable.

MR. CHAIRMAN: Something everyone's struggling with, I think is fair to say. One thing that you didn't read out in your brief, which I thought was interesting – it's in your brief, but you didn't read it. You said,

> The logical and natural consequence of the imposition of a centralist view of history/economics, taxation without equitable representation, has (as in Russia at this moment – and in western Canada a century ago) . . .

That was under Riel.

> . . . led to a counterbalancing movement at a visceral level that cannot be denied.

Could you just explain that?

MR. LAVERS: What happens is that we begin to detect that things are not going well, I guess unconsciously or through the jungle telegraph, long before it really rises into consciousness. So what we're seeing now is the end result of probably 10 to 15 years of malaise in the body politic: that's what I'm saying. The rise from unconsciousness to conscious behaviour where people will not vote, will not tell people what they're going to do, will not become proactive, is a serious matter, and it represents an end product rather than a beginning. To counteract that it's going to require more dynamics than I see in our present politicians, to be perfectly frank.

MR. CHAIRMAN: But you're saying that this is the consequence of the imposition of a centralist view. Is that the 10 to 15 years ago centralist point of view?

MR. LAVERS: No. It's more like 110 to 115 years.

MR. CHAIRMAN: I see.

MR. LAVERS: I think Canadians, being notoriously patient people, have simply put up with it. My view is that if you read Canadian history, and I have read Canadian history and worked and taught with it for years, you will find that the centralist view prevails. But there are other views of history, and history fails us in two ways. One, it doesn't help us much; we don't learn from history. We learn from other more rational views than somebody's view of history, but because we've had a prevailing centralist view – you know, I could give you all sorts of quotations, but one will suffice. Mackenzie King says we suffer from too much geography, but that's simply Mackenzie King's view. Because he couldn't get a seat, he had to represent Prince Albert. So he represented Prince Albert, and that was a damned nuisance for him. If you talk to people in central Canada long enough, you'll find that we're kind of a damned nuisance, and it began to show in the infamous, you know, oil policies. I don't want to get into the details of that, but basically that underlies much of what we do.

Now, we cannot use that – I want to stress this – to help reestablish a new Constitution. We simply can't use that. We've got better strategies, and I'd like to think that maybe a few of them are in this. This is, in essence, a position paper.

MR. CHAIRMAN: Thank you very much.
Fred.

MR. BRADLEY: I guess I just have a very short question, and perhaps it's along the line of your presentation. Do you view the Constitution as a rule book, or is it a document which resolves the policy issues of the country?

MR. LAVERS: If it doesn't resolve the policy issues and if it doesn't have built into it mechanisms for that, the rule book doesn't work, and that's what the problem is. The rule book simply is not working.

MR. CHAIRMAN: Well, thank you very much, Mr. Lavers. Your brief is very thought provoking and stimulating.
Thank you.

MR. POCOCK: Our next presenter is Gordon Laxer.

MR. CHAIRMAN: Welcome.

MR. LAXER: Thank you, Mr. Chairman, committee members. The question facing Canada is not only whether Quebec will separate but, I think, whether there is a long-term future for an independent Canada if Quebec does separate. I think we should not be lulled to sleep by the present softening of separatist opinion in Quebec. If we fail in this round, I think Quebec will surely separate. Many Quebeckers already feel rejected when the five very modest conditions they asked for that were incorporated into Meech Lake were rejected, and I think another round which is interpreted as rejection in Quebec will lead to Quebec's separation.

Now, I've not come here to counsel pessimism or alarm but to try and inject a sense of urgency. This crisis can lead to disaster if we fail, but I think it can lead to a better Canada if, in fact, we solve some of the main problems we've been facing. Now, this cannot be just another Quebec round; I'm very much aware of that. That was a problem with the Meech Lake accord. There are a number of other problems which we must address, such as the need for the provinces with smaller populations to have greater representation in Ottawa, for Canada's first inhabitants to have recognition of aboriginal rights and adequate resources to back that up, to make the political system much more responsive to the people. These are very important issues. I want to take my few minutes, though, to address the relationship between Quebec and the rest of Canada.

The main problem that I see is that there is a different conception. Quebeckers have a different conception of the country than do people in English-speaking Canada, and if there's no resolution and accommodation of these different conceptions, I think Quebec will surely separate. The differences in conceptions of the nature of Canada are these.

Most English-speaking Canadians think of Canada as one nation of 10 equal provinces, two territories, and composed of people from many ethnic backgrounds and several racial groups. The dominant sense of how Canadians relate to the country is then as individuals who are protected by the Charter of Rights. In this view equality means "same treatment." This is an individualistic and formalistic view of "nation," and this view of "nation" is synonymous with an idea of an independent state. In that way, from that view, Quebec is not a nation and neither are the native peoples nor English-speaking Canada.

Quebeckers have a very different conception of what Canada is, and they've had it since before Confederation. For most Quebeckers Canada is a union or a compact or a partnership between two peoples. Now, I think, of course, we have to broaden that. I think that the native peoples have been left out of that, that idea of two peoples, and should be in. So there are three peoples. There is a reality to the Quebec conception, which the 20-year-old policy of multiculturalism tends to hide, and the reality is this. The Francophone community was started by settlers who came to Canada before the English language became established here. Francophones have been speaking French and passing it on from one generation to the next for 20 generations. That is not true of other ethnic minorities, of whom by the third generation only 3 percent speak their ancestral language. Quebeckers were given a distinct status as early as 1774, when their Civil Code, for example, was recognized.

For the past 30 years the Quebec government has been asking for one consistent thing, and this is regardless of which party was in office in Quebec: recognition of Quebec as a nation in the sociological sense of having a distinct culture, a distinct history and identity, and increased powers to back that up. This request for recognition of a nation has gone under several terms: founding people, special status, distinct society. Asymmetrical federalism is now the current vogue as a way of trying to recognize Quebec as a nation without hurting the sensibilities of English-speaking Canadians.

2:34

Quebec, though, has never gotten the main thing it has been asking for in the last 30 years. Led, ironically, by Pierre Trudeau, English-speaking Canada has done everything to deny the nationality of Quebec through such things as official bilingualism and the Charter of Rights, reducing the idea of nation to language rights. Then in terms of language rights it did not inhere in communities, or it was not on a territorial basis but was in terms of individuals living anywhere in Canada.

Multiculturalism has been a positive policy affirming the cultures of the diverse groups of people in Canada. Multiculturalism was brought in in 1971, but there is no denying that one of the purposes for bringing it in was to deny the nationality of Quebec, in saying: we don't have two cultures – three cultures with native people – but we have many cultures.

These policies, led by Trudeau and affirmed since, to deny that Quebec was a distinct national community have not worked. Many people in English-speaking Canada interpreted these changes, such as bilingualism, as an imposition by Quebec upon them and as a demonstration that Quebec had too much power. Nothing could be further from the truth in terms of Quebec having more power. Quebec governments never asked for official bilingualism in the English-speaking provinces. That was done by people who opposed Quebec nationalism as a way of trying to undercut Quebeckers' sense of themselves as a sociological nation and to ensure their loyalty to Canada as individuals. These policies have not worked, and they have needlessly alienated many people in English-speaking Canada.

Meanwhile, the truth is that Quebec has lost powers over the past 25 years. It lost its de facto constitutional veto in the 1982 Constitution, which it alone of all the provinces did not endorse. Quebec's powers to legislate in the area of language within its own borders were reduced by the Charter of Rights. After all, the initiative for the 1982 constitutional changes came about because Quebec voted no to the idea of separation in the 1980 referendum, yet those constitutional changes reduced Quebec's powers to confront the assimilation pressures towards the English language within Quebec. No wonder they have felt rejected by English-speaking Canada.

Quebec will be recognized as a nation or a national community by English-speaking Canada one way or other and rather soon. If we don't give them that recognition in this round of constitutional renewal, we will be forced to grant it to them in much unhappier circumstances when they separate and become recognized by the international community as a separate country. Separation of Quebec is the point at which English-speaking Canada's definition of nation and Quebec's conception of nation in the sociological sense come together. Do we have to go through Quebec separation to grant Quebec the status they have been asking for for the last 25 years? Couldn't we grant it to them beforehand, before they separate, and say: yes, you are a nation? I am convinced that if we do that, they will not separate.

How can we reconcile Quebec's and English-speaking Canada's conceptions of the nature of the country? I think we can, but only if we in English-speaking Canada are generous enough to alter our conception of Canada and say that Quebec is not a province like the others. Yes, Quebeckers can relate to the country as a national collectivity while the rest of us relate to Canada as individuals. English-speaking Canada can keep its sense of fairness as equality between provinces. We can retain the desire for national standards only if we make an exception for Quebec. Let us give Quebec recognition as a distinctive nation and more powers but resist the temptation to dismantle English-speaking Canada on the rigid principle that if Quebec gets certain powers and collective status to promote its distinctive identity, such powers must be given to all provinces. Do not dismantle Canada to accommodate Quebec. We must move away from the formulae of the past 20 years which deny the nationality of Quebec. The only way we can retain the integrity of Canada is to let Quebec be more Quebec and let English-speaking Canada be more itself too. Let us recognize the territorial and social culture reality that is Canada.

Recommendations. I've got six, and they're very short.

One, allow Quebec to have more powers than the other provinces, but retain enough federal powers over the economy and international affairs to have a viable economy and country.

Two, reduce the power of Quebec MPs in Ottawa in proportion to the increased provincial power that Quebec gets. Quebec cannot have both more powers for itself and retain the same amount of power in Ottawa. Quebec MPs should not vote on matters that pertain only to English-speaking Canada.

Three, restrict votes of confidence so that a government that had a majority in Canada but a minority of MPs outside Quebec – such as is the case in the present situation – should not fall if measures pertaining to areas applicable only outside Quebec were defeated.

Four, retain official bilingualism at the federal level so the citizens can communicate with their common government in their own language, but allow the provinces to decide language laws – for example, in education – in their own jurisdictions. This would be a move to a more territorial view of language, and it is consistent with the idea that Quebec is a nation, not French Canadians across the country.

Five, notwithstanding the move to more provincial discretion over language policy, let us in Alberta demonstrate our generosity by extending the existing services to Alberta's Francophones.

Six, resist the temptation to demand much greater powers for the provinces outside Quebec. Most Canadians and most Albertans do not want to dismantle Canada. Canada will not continue to survive if we have 10 sovereignty associations or 10 ministates.

As long as we are generous and flexible enough to allow the competing visions of Canada to coexist with each other, we can solve our long-standing constitutional frictions and get on to deal with the other pressing economic, cultural, environmental, social justice issues. If we fail because we are too rigid in our self-conceptions, we will surely lose Quebec. Let's not kid ourselves: countries do not break up painlessly and without profound effects on both splintered parts. It will not be business as usual in Canada without Quebec. Let us seize the chance and demonstrate our generosity and flexibility. We owe it to our children.

Thank you.

MR. CHAIRMAN: Thank you very much, Mr. Laxer. I know there will be a few questions. We have a few minutes left.

John McInnis.

MR. McINNIS: Thank you. I'm intrigued by this formulation of allowing Quebec more powers than other provinces but retaining enough federal powers over the economy to maintain a viable country. It seems to me reading the Allaire and Bélanger-Campeau reports that they go a good deal further than that in those recommendations. That amounts to what to me is an independent nation with an external life-support in the form of a few services provided by the central government and perhaps at a subsidized rate. I want to know if you read those reports the same way and if you could perhaps be a little more specific in terms of what are the bottom-line powers that we need centrally to be a viable nation or viable country?

MR. LAXER: Okay. Yes, I have the same reading. I think the Allaire report is basically sovereignty association under different terminology. When the federal government only has exclusive jurisdiction over I think it's defence, the customs, and the debt, what's the point in having a country? I haven't figured out the exact division of power. I think the federal government would have to have exclusive power over external affairs. We would have to have enough powers over the economy to be able to make policies that pertain to all of Canada. I haven't figured out all the whole, exact division. I think that should be up for negotiation. Basically, we have to be able to have one country here, but I do think Quebec can have certainly more powers over social, educational, cultural kinds of questions.

2:44

MR. McINNIS: Do you regard those reports as being a negotiating position or a kind of coherent vision on the part of Quebecois?

MR. LAXER: I think the majority of people in Quebec are looking for any excuse to stay in Canada, but when I say "any excuse," what they are asking for is recognition of themselves as a people, whatever terminology you want to use to say that. I mean, the Quebec government was willing to go for what was mainly cosmetic in the Meech Lake accord, as distinct society. It didn't have a lot of teeth in it. It was English-speaking Canada's determination to say, "Look; all provinces are the same." When Quebec asked for a veto, it didn't say that all provinces should have a veto, including Prince Edward Island with 128,000 people. Quebec said, "Because we conceive that we are one of Canada's peoples, we need a veto." That is what made the straitjacket that was Meech Lake. I think that if we get rid of that formulation and say that we will recognize Quebec as a distinct group and not everybody else has to have the same, the majority of people in Quebec will go for that, but if we maintain the idea that all provinces must be treated the same, they will leave.

MR. CHAIRMAN: You've raised some very interesting points, not the least of which are your views as to how bilingualism policies originated and why. But I daresay you would not find an understanding of your view in Alberta very widely. Would you agree with me on that?

MR. LAXER: Yes, I think that's probably true. I think people outside of Quebec saw that bilingualism was imposed upon them by people from Quebec. At least, that's a very widespread view. I think it's important that people who know about these things take a leadership position and attempt to go out there and talk to people and say: "This is really what has happened. These policies to a great extent were brought in to deny the nationality of Quebec."

MR. CHAIRMAN: I've said many times to people that no government of the province of Quebec has ever demanded bilingualism in Alberta, and people have argued with me on that point. I said: "No. It was the federal government dominated by a very large Quebec contingent that brought in that policy." That is a difficult point to get across.

MR. LAXER: Well, I think it's important that you keep saying that.

MR. CHAIRMAN: I know Mrs. Gagnon wants to ask a question. I daresay it's going to be about education, section 23 of the Charter.

MRS. GAGNON: Yes, it will. I think when we talk about bilingualism, we often confuse two pieces of legislation: one is article 23 of the Charter, which was seen as the heart and soul of the Charter, the binding kind of piece of legislation at the core of keeping Canada together, and then we also have the Official Languages Act, which talks about civil servants and that kind of thing. So when you say that this was imposed by people in Ottawa as a way of – I don't know – getting votes in Quebec or binding Canada or whatever, are you talking about the Charter and article 23 or about the Official Languages Act? They're two very distinct pieces of legislation.

MR. LAXER: Well, I think I'm talking about both of them. I understand that what my recommendations would be doing would be altering section 23 of the Charter. I think bilingualism was brought in as a policy. I'm a supporter of bilingualism. I'm not an opponent of bilingualism, but I think we should move language more to a territorial basis to reflect the reality of Canada rather than to have it as individuals.

I don't think the French language and English language are in similar positions in Canada. There is no threat to the English language in Canada. I don't think there's a threat to the English language within Quebec itself either. They've got incredible institutions, three universities, and they've got rights to receive services in the English language. The French language has faced problems of survival even in Quebec itself, and certainly the Francophone population outside of Quebec has had a much greater difficulty in continuing.

What I am saying is: I think it should be the provinces that decide on language in education, so I'm talking about section 23. I would hope they would be generous. One of the main reasons I would want to change that is so Quebec, in fact, can proclaim the primacy of the French language within Quebec itself.

MR. CHAIRMAN: Just let me jump in a bit again. There are people who also believe that the section 23 inclusion was designed, in part at least, to maintain votes in English-speaking Quebec for the party that brought it in. I'd just put that out as a thought. I'm trying to avoid being terribly partisan here, even though we all are.

MR. LAXER: There is a problem. If you move to a more territorial view of language to reflect the views of the majority in Quebec and the majority outside of Quebec, there is a problem for the language minorities within those regions. What I'm saying is that there should be more of a move to provincial control over those things. I would very much campaign for generosity in both parts of Canada towards language minorities.

MR. CHAIRMAN: Thank you very much for your presentation. It's been very thought provoking. It's now time for a coffee break, I think.

MR. KLAVER: May I ask a question to the speaker?

MR. CHAIRMAN: Why don't you have a chat with him, sir. Okay?

[The committee adjourned from 2:52 p.m. to 3:07 p.m.]

MR. CHAIRMAN: Ladies and gentlemen, if you would please reconvene. We have four more presentations to receive this afternoon and just an hour in which to do that, so we're going to have to be quite succinct in our presentations.

I'd like to point out to you two things, however. If you wish to receive copies of the transcripts of these proceedings, not just these but ones which will come along over the next week, you can do so by registering and requesting that the information be provided and at no charge to you. Secondly, because there are still in Edmonton 10 or so individuals or groups that wish to make presentations, this panel has agreed that it will reconvene in Edmonton in this room on Wednesday next week at 9 o'clock. We are adding an additional half day to the hearings in Edmonton to accommodate those people who have come forward and not yet been able to be heard, either in the formal presentations or, as we did last night, in our shorter presentations. I just wanted you to have that information.

The next presenter, Mr. Allen Ronaghan.

MR. RONAGHAN: My name is Allen Ronaghan. We pronounce the "g". I'm a historian.

We may be looking at the end of Canada as we have known it. A country that was carpentered together by men more interested in railways and real estate than they were in people appears to be coming apart. Many of us have a strong sense that something bad is about to happen. We have a Constitution, we have a means of amending it, but we also have a number of intransigent provinces which seem determined to strengthen the trend toward separation. Make no mistake about it: we have been headed for a form of separation since long before the Confederation period.

English Canada has been saying no to French Canada for a long, long time, and French Canada has come to believe that we mean it. Listen to this statement of Adam Thom's on the French Canadians:

> Crowded as they are on the level banks of the St. Lawrence and other navigable rivers, they could be reached in almost all their settlements by the long 48-pounder of a gunboat, wheeling on a pivot and describing successive circles of fire and blood from one end of the seignories to the other.

The writer of these words was later appointed to the commission headed by Lord Durham. He was at Durham's side when the report was drafted. He was then appointed recorder of Rupert's Land by the Hudson's Bay Company in 1839, and his attitude toward the French language and his unwillingness to use it in court caused a crisis that brought a number of Metis, including Louis Riel Sr., into prominence. From then on French was a language used by the Council of Assiniboia. As a Canadian, I'm ashamed to have to read Thom's words into the record as important to us.

There have been other voices. Listen to Thomas D'Arcy McGee in the Confederation debates, February 9, 1865, page 137:

> It will be observed Governor Gordon speaks of four counties in the north of New Brunswick which still bear a marked French character. Well, gentlemen of French origin, we propose to restore these long-lost compatriots to your protection; in the Federal Union, which will recognize equally both languages, they will naturally look to you, their petitions will come to you, and their representatives will naturally be found allied with you.

But Thomas D'Arcy McGee was not in on the final drafting of the BNA Act, and the French-speaking people of New Brunswick had to wait more than a century to see their language recognized in their own province. As a Canadian I'm ashamed – repeat, ashamed – to have to say this.

Now listen to the first sentence in Gabrielle Roy's autobiography published in 1987. Her first line:

> When did it first dawn on me that I was one of those people destined to be treated as inferiors in their own country?

Gabrielle Roy is one of the most widely read Canadian writers. Her works are known the world over. She was the first woman to be admitted to the Royal Society of Canada, and I'm ashamed to have to read her statement about herself into this record. Why did her province enact repressive legislation in the 1890s that would remove language and education rights from French-speaking Canadians in Manitoba? Because people listened to extremists; that's why. They listened to such men as D'Alton McCarthy, men who came to the province preaching a doctrine of saying no to French Canada and its language. As a graduate of the University of Manitoba, I'm ashamed of this fact. Our people have kept on listening to extremists.

The government of the province of Saskatchewan, one of the first to ratify the Meech Lake accord, I note, decided to use an option the court gave them to declare English the only language in which legislation would need to be enacted. As a graduate of the University of Saskatchewan, I'm ashamed of this fact.

For me the supreme hypocrisy was demonstrated here in Alberta when on the same day that Premier Getty put forward the motion to ratify the Meech Lake accord, the committee that was asked to investigate the Piquette affair established a policy which places French in the same category as any unofficial minority language. The Speaker of the Assembly asked him to apologize for using it. As one born in Alberta and a graduate of the University of Alberta, I'm absolutely ashamed of this fact. French is an official language of Canada, and no one should have to apologize for using it anywhere in this country. To place it on the same level as any unofficial minority language is both ridiculous and dangerous, but it seems to be Alberta government policy.

This province's educational system sends young people out onto the Canadian scene who are actually, in a very real sense, one-eyed about Canadian affairs. I remember that I grew to be a young teacher without ever being taught the facts about our country. I had to be taught some of these facts by a veteran of the First War, a French Canadian in the Peace River country who had lost a leg in action in France but whose children could not be taught French at school. What could I say to this man? I could teach his children no French; they knew more than I did. So Elzéar and his wife saw to it that they learned French at home.

We may soon be faced with another deadline in constitutional affairs. A large portion of French Canada may hold a referendum on sovereignty, possibly as soon as 1992. I have no idea what the result will be, but I do know that western Canada has been saying no to French Canada for more than a century. Time after time the message has gone to Montreal and to Quebec City and to Trois-Rivières that the west doesn't want French Canada in Confederation. What message do you think Manitoba, Saskatchewan, and Alberta have been sending by the actions I've mentioned earlier? I'm sure you can guess.

I think we're passed the point where Premiers' constitutional conferences are of any use. I think there have to be some acts of love – l-o-v-e – on the part of English Canada. Let me illustrate. Ontario has within its boundaries a very large minority of French-speaking Canadians. Ontario's Legislature should immediately declare that province officially bilingual. The NDP brought it in as part of their plan. They have not legislated it yet. Then they should follow the administrative policies that would entail. Manitoba, Saskatchewan, and Alberta are provinces with good-sized French language minorities. It's not a theory. Bilingualism in Alberta is a fact. For Canadian purposes, it's a fact. I don't know if there's anybody here from St. Paul or Bonnyville or Fahler or Girouxville or those places. If there aren't, they should be here.

MRS. GAGNON: I was born in St. Paul; I ought to tell you. Yea, St. Paul.

3:17

MR. RONAGHAN: Good.

These provinces with good-sized, French language minorities should immediately announce the end of the negative, negative, negative policies they have been following as far as the use of the French language is concerned, and then they should consult with the leaders of the French language minority to see what those people really want. The provinces of Nova Scotia and Prince Edward Island, where small Acadian minorities of long standing live, should immediately do the same with those minorities. As for B.C. and Newfoundland, they could take such steps as offering scholarships for young people to travel to Laval and Trois-Pistoles to study French. The news of these events would do much to undercut the support that separatists and sovereignists now have in Quebec province. Nineteen ninety-one could be the year that Canada was reinvented; I hope so. We are one country but we speak two languages. I didn't say that's a theory. The fact is that we speak two languages. If we are going to continue to exist as an independent country on a continent like this, we have got to do all we can to strengthen it ourselves.

Thank you.

MR. CHAIRMAN: Questions or comments?

MR. BRADLEY: If no one else is going to ask a question, I will. It seems the trend of your thought runs counter to what we've been hearing from a number of others and what the Spicer commission has also been hearing in terms of language policy and the Official Languages Act and bilingualism. I appreciate the view you're expressing, but – and I'll just express a statement rather than a question – it does seem to run counter to what we've been hearing from others.

MR. RONAGHAN: I can't help it if it runs counter. I'm talking about a fact: Alberta is for Canadian purposes bilingual. Go out to St. Paul sometime. Go up to Girouxville sometime. Go to Falher. Why can't we let these people have a school system of their own? They're going to learn English anyway. For God's sake let's be reasonable about this. We haven't been reasonable, and we're not being reasonable today. I don't care if my message runs counter to a whole bunch of other presentations. I've been following this thing since I was a young man and found out that French Canada existed. Do you know that I taught school? I was trained to teach school, and I didn't know that French Canada existed until I became a teacher and went to Falher. What could I do for those people? I couldn't do anything for them. For one thing, the school system wouldn't let me, and for another thing, their children knew more French than I did.

MR. CHAIRMAN: Pam Barrett.

MS BARRETT: Thank you. Your final message to us, which you repeated throughout your presentation and included in your abstract presented a few weeks ago, says that now is time for Canadians to act in love, act out of love for one another. Do you have any specific recommendations related to the constitutional process which, I assume, you want to result in a united Canada with Quebec as part?

MR. RONAGHAN: I specified the acts of love. Every Legislature in this country could do what needs to be done right now. We have a Constitution, and we have a means of amending it. I think it's an excellent Constitution. The only thing wrong with it is that we've got intransigent provinces, practically all of them English-speaking provinces. I'd like you people to know that the English-speaking minority in Quebec has infinitely greater powers than any French language minority in the country. I'm sorry that the signing business came to such attention, but it's just a tiny thing. I think a gentleman a few minutes ago spoke of the three great universities, English-speaking universities, that Quebec province has. Look around, will you, in western Canada for something as great as that. We've been repressing these people for a hundred and some years, and we're astonished to say that there are so few of them left. We've been following the principle of assimilation and it's not fair, and I'm ashamed to say it.

MR. CHAIRMAN: Did you support Meech Lake, Mr. Ronaghan?

MR. RONAGHAN: I sure did not. I could not possibly.

MR. CHAIRMAN: Why not?

MR. RONAGHAN: I don't believe in veto power. You cannot run an organization – I don't care if you're going to hold a picnic or you're going to have a school district – if somebody can say no. There'll be an elderly aunt who is temporarily suffering from dyspepsia who won't agree. You can't run national affairs, you can't run the UN when there's veto power.

MR. CHAIRMAN: Which veto power are you referring to?

MR. RONAGHAN: Any veto power.

MR. CHAIRMAN: Well, it's in the Constitution now.

MR. RONAGHAN: I don't approve of it.

MR. CHAIRMAN: Okay. So you're suggesting that the veto powers that are now in the Constitution, which cover a number of items, be removed?

MR. RONAGHAN: I'm not in favour of veto power, period. I don't know why they were put in there.

MR. CHAIRMAN: Okay. What formula would you suggest to us for a changing Constitution?

MR. RONAGHAN: The formula we presently have.

MR. CHAIRMAN: But the formula we presently have for a number of items contains a veto power. For example, there's a veto power on any amendments to the amending formula.

MR. RONAGHAN: I don't think they can be justified. I don't think a person can approve of a veto power. But I have to say in reservation to that that the Constitution as made was made . . .

[Mr. Ronaghan's speaking time expired]

MR. RONAGHAN: Does that mean I have to quit?

MR. CHAIRMAN: You can finish your evidence.

MR. RONAGHAN: . . . with the thought that English Canada was always going to be attempting to assimilate French Canada, and we've got to get off that particular tack. We've got to take French Canada off the defensive. Please notice that I don't use the term "Quebec." There's an entity known as French Canada, which happens to include Quebec.

MR. CHAIRMAN: Thank you very much for your strongly held views and for coming forward.

MR. POCOCK: Our next presenter is Gary Browning from the Alberta Urban Municipalities Association.

MR. BROWNING: Good afternoon, Mr. Chairman. It's nice to see you again, Mr. Deputy Premier.

MR. CHAIRMAN: Welcome.

MR. BROWNING: Mr. Chairman and members of the committee, my name is Gary Browning. I have the pleasure of being the president of the Alberta Urban Municipalities Association of Alberta, and I would like the opportunity today to address you on a particular area of concern that urban municipalities in Alberta feel quite strongly about.

May I begin by first expressing the need for your committee. No other issue facing our nation is as important as the discussions and debate surrounding the topic of our Constitution. From the Constitution flows all. It is the basis and the foundation on which the governance of our nation is established. Mr. Chairman, because of the growing sense of concern within our membership about the future of Canada and our belief that the subject of constitutional reform is one of the greatest challenges we as a nation face today, the Alberta Urban Municipalities Association wishes to submit the following for discussion by your committee.

The Constitution Act of 1867 describes only two levels of government, federal and provincial. Local government with no constitutional status of its own falls primarily under the responsibility of the provinces. This distribution of power was appropriate 125 years ago when Canada's population, particularly in the west, was predominantly rural. Since that time and with the encouragement of provincial governments, local government has grown and developed to the point where it is today. Eighty-five percent of Alberta's population resides in urban municipalities. The continued complexity of urban life has placed a burden of ever-increasing demand for services directly in the laps of local government.

In a federal state, such as exists in Canada today, the distribution of powers between a central or federal authority and several regional or provincial authorities is said to be co-ordinate; that is to say, neither authority is subordinate to the other. Indeed, it is indispensable in the condition of a federal state that each co-ordinate body maintains an area of guaranteed autonomy. Under our present system local government is subordinate to both levels. Given the fact that the majority of Canada's population lives within the authority and the responsibility of some form of local government, it seems only natural that local government should be given a defined degree of guaranteed autonomy within which their constitutional status would be co-ordinate with the other two levels of government. Given that local governments do provide or have been required to provide many services formerly under provincial and federal jurisdiction, they must likewise be constitutionally guaranteed the authority to tax, or to generate revenue, in a direct manner the users of those services.

Mr. Chairman, while these two points may seem to be a radical departure from the status quo, it must be acknowledged today that six out of 10 Canadians feel Canada is faced with a major threat to its future existence. This sense of shared concern is important, because it suggests a window of opportunity for significant change and an indication that Canadians are prepared to look at new solutions. All three levels of government – federal, provincial, and municipal – are elected bodies whose mandate is to govern, and that is bestowed upon them by the citizens of this country. As we enter a new process of nation building, it is important that local government be defined within the constitutional framework with guaranteed autonomy and that our interests be represented in some way in future constitutional discussions.

Mr. Chairman, as you well know, our partnership with the province of Alberta has been a source of mutual satisfaction and benefit to both levels, but now is the time to formally acknowledge our status to the nation as a whole.

Thank you for the opportunity to address this topic today.

3:27

MR. CHAIRMAN: Thank you very much, Mr. Browning. It may not surprise you to know that the mayor of Edmonton appeared before our committee this morning and made similar representations. There were some questions which were posed at that time, and I think perhaps members of the committee may wish to seek your views on those matters as well.

Gary Severtson.

MR. SEVERTSON: Yes. I noticed in your brief that you mentioned about 85 percent of the population lives in urban municipalities. When you say "municipalities," do you just mean urban municipalities? Or rural and counties should have . . .

MR. BROWNING: Eighty-five percent urban municipalities.

MR. SEVERTSON: No. When you're talking about being in the Constitution, do you mean just urban municipalities should be in the Constitution and not rural municipalities?

MR. BROWNING: I can only speak on behalf of the urban municipalities. I'll allow my friends on the rural side to talk for themselves – a nice political way of getting out of it, Mr. Severtson. But realistically speaking, I think our association, in that it does represent the urban municipalities in Alberta ranging from the city of Edmonton to a small municipality – if you want to treat it as small – such as St. Paul, has solely the vested interests of the urban municipalities in mind.

MR. SEVERTSON: Okay. To follow up on that, say the city of Edmonton and the town of Innisfail, which I represent, have the same powers. Who would represent them in a constitutional debate?

MR. BROWNING: Well, currently, as far as the constitutional debate is concerned, the provincial associations across Canada that do represent the urban municipalities will be looking at a concentrated front, if you will, in regards to this particular topic. It would be no surprise that in the Federation of Canadian Municipalities convention coming up in June in Newfoundland this topic will be addressed on the national level.

MR. SEVERTSON: Just one more supplementary, if I could. Are municipal governments treated the same in all provinces, or have they different responsibilities in different provinces?

MR. BROWNING: Much different and a far-ranging difference, yes. We're not questioning that. What we are questioning is the status of municipalities – specifically urban municipalities here – the responsibility that has been given them, and the right of that responsibility to be placed within the Constitution and to be recognized as a level of government.

MS BARRETT: The first I'd heard of this concept was this morning with Mayor Reimer's presentation, and I failed to ask her a question that I hope you can answer now. It has to do with motivation, so probably I'm asking you to give me a subjective response. Do you think the primary motivation behind the AUMA desire to have municipalities recognized in the Constitution is to make sure you have either (a) co-ordination or a reduced overlap of services between the other two levels of government and municipalities or (b) a greater sense of say on constitutional, national, and provincial developments? Or (c) is it primarily an issue of funding as the feds reduce their transfer payments to the provinces and the provinces reduce what amounts to transfer payments to the municipalities, or all of the above?

MR. BROWNING: Mr. Chairman, ma'am, I would suggest to you yes, I like the last option, all of the above. And please forgive me for ever speaking on behalf of Mayor Reimer, and I won't. But specifically speaking, coming from an association point of view, what has occurred over the last few years – and I'm speaking primarily, if you will, since Alberta became a province – we have seen a constant move towards municipalities accepting either willingly or unwillingly responsibilities which they are charged for and must accept. What we are suggesting is: that flow of responsibility we cannot see to be the end. Along with the responsibility, we want the capability in order to have the resources to support that. Exactly.

MR. CHAIRMAN: Jack Ady.

MR. ADY: Thank you. In your presentation you mentioned constitutional status and the need for it for municipalities, but you don't really deal with any process to develop exactly what you mean or what you want. I know that presently municipalities are called on to make up the supplemental requisition for school tax. Are you advocating that municipalities may want to take over the whole taxation structure for education and have the right to tax the population for that? What are you really striving for? I can't get a feel for how far you want to go. I gathered from Mayor Reimer that she wasn't anticipating a full participant, as a province might be, in the Constitution. In other words, she didn't anticipate that every municipality would be at the bargaining table in negotiating an amendment to the Constitution. I gather she had something in mind in between, something less. Can you enlarge on that? Have I made myself clear?

MR. BROWNING: Mr. Chairman, Mr. Ady, may I suggest that the bell ringing tells me my time is up, and I'll try and complete this. You've broached upon a very interesting topic and one that is fundamental to our discussions. Where the Constitution now applies responsibilities at the federal or provincial level, we would expect those responsibilities would be further subdivided so municipalities would also be responsible within the Constitution for specific responsibilities. As far as education is concerned, of course right now it is a provincial responsibility, and the funding of that obviously would be the responsibility of those individuals that have the initial responsibility.

MR. ADY: I just used it as an example.

MR. BROWNING: We won't get into that particular issue. I don't think we have time, sir. But to qualify it very quickly, if I may . . . I'm sorry, Mr. Chairman.

MR. CHAIRMAN: Actually, you have a few more minutes. You get two bells, one at the end of 10 minutes and then we set it again for five. So you have a little more time.

MR. BROWNING: I was just looking for the person with a hook, Mr. Chairman, that's all.

As far as the framework is concerned, in my presentation I spoke about bringing this forward as a discussion item. Our framework as far as how we can participate in the constitutional process itself, as far as asking for amendments, who represents whom, as far as what municipalities should or should not be responsible for within the Constitution, I think has to be derived from a broader consensus than just a particular municipal association such as ourselves. I refer again to the Federation of Canadian Municipalities where this topic has been brought up several times in the past. I would suggest to you, looking forward to next month in Newfoundland, that it will be brought up again, and I think we'll find a process in order to provide input on a national level to this particular discussion.

MR. ADY: So you would see it developing over a period of time to arrive at that position.

MR. BROWNING: Most assuredly. We, as a particular association, have a notice of motion in front of the board of directors of FCM to deal with the issue in September of this year. I have the understanding right now that it's going to be dealt with at the convention, where it should be.

MR. McINNIS: My question is about the constitutional guarantees of the authority to tax. I assume that means access to sources of taxation that currently are denied municipalities, such as income taxes, for example.

MR. BROWNING: Mr. Chairman, yes, that's correct. Currently within Alberta there's a local government finance review committee which is charged with looking at access of revenues or assessing the revenues available to all local governments. Out of that particular committee will arise recommendations, which could include accessing various taxes that are now under the jurisdiction of other levels of government. As far as something in the future is concerned, I think we will be able to build upon some of those recommendations in regards to how they may be applied within the Constitution under the current taxing system available in Canada. So the answer to your question in short: yes, we're looking at all resources available to us.

3:37

MR. McINNIS: They wouldn't be the preference to, say, levy a municipal income tax so much as to devise a formula for sharing the proceeds of existing taxes?

MR. BROWNING: I throw out, Mr. Chairman, if I may very quickly, the current issue within Edmonton, and that is where they are looking at a tax of some form on gasoline in regards to road improvements. So yes, all available forms are being looked at at this particular time.

MR. CHAIRMAN: Okay. Thank you very much for your presentation. One thing I think we should underline is that constitutions are never fixed absolutely for all time. They must be an evolving, developing mechanism by which a country can govern itself. What you're proposing, I think, may take some time to develop fully so that municipal governments indeed can have the ability to carry out their responsibilities. It may be the next round or the round after that when the subject will really be fully dealt with, but it's important to raise it now, and I appreciate your presentation. Thank you.

MR. POCOCK: Our next presenter this afternoon is John McIsaac.

MR. McISAAC: Good afternoon. I'm attired this way because I just came from my daughter's track meet.

MR. CHAIRMAN: Not a nice day for it.

MR. McISAAC: Aw, it was awful. Red Deer . . . Oh, you're not from Red Deer; you're from Medicine Hat.

Congratulations for having this committee. Congratulations for giving Albertans the opportunity to have their say. Congratulations also for being quick off the mark. I recall that when the Meech Lake accord failed, I as a disappointed Canadian wondered, "Well, what's next?" and was overjoyed when I learned, I think maybe in August, that Alberta was going to embark on this process. And how wonderful it is that we have a full room today. I find that very encouraging. I assume that my two-page document is before you, but I do not assume you folks have had a chance to look at it very thoroughly.

In hopes of making an impact I've reduced my ideas to nine, and some are more important to me than others. To put my remarks in context, think of me as a person who thinks of himself as a mainstream Canadian. I have no political affiliations, and I come here unattached to any interest group. My remarks break down into three categories. One you could refer to as preamble or interpretive clause provisions, one relates to process, and the other relates to matters of substance. I'm also mindful of the fact that you may not hear any new ideas from me, although I think maybe I have one new idea. The reason I am here is to emphasize points that have been made by others and to give weight to their persuasiveness.

I would call number 1 a preamble or interpretive provision. I think our Constitution should have some lofty words in it. It would do us all well to remind ourselves that probably we all agree that the role to be played by our governments is to promote the dignity and well-being of citizens. I don't think it would do any harm to have that recognized in our Constitution.

Secondly, I favour inclusion in the Constitution of our cultural diversity. We've heard a lot about this matter, but I believe it should be in the Constitution either in a preamble or as a interpretive provision. I believe it has four components: one, recognizing our first Canadians and their impact on our way of life; two, the French-Canadian population and whether we think of them as a founding culture or not; thirdly, obviously English Canada and whether or not it's considered a founding community; and fourthly, our new Canadians who are coming in significant numbers to our country and will have a significant influence on our way of life and our law.

I feel rather strongly about point 3, and we hear about it from time to time. I don't really have a feel as to what is likely to happen in our province on this issue, but I believe provinces should be committed in the Constitution to having a role to protect minority language rights, the minority language rights of the English and French linguistic minority populations in Canada. Maybe the day will come when there will be references to other linguistic minority populations, but I believe it's fundamentally important that the role of the province with respect to this issue would be in the Constitution.

Number 4: I think that in Canada we've got a good record of flexibility with respect to our governments dealing with one another, and that gives rise to two concerns or two matters for me. Firstly, let's not bind ourselves with a unanimity requirement any longer. It didn't serve us well on June 23, so I think we should consider an alternative. I think the 7, 50 formula is excellent, and I think we should consider reducing the unanimity requirement to a 7, 80 requirement – that is to say, seven provinces which represent 80 percent of the population. That would get around the Clyde Wells issue. In 4(b) I'm talking about the distribution of powers here, and I am not an Albertan who is nervous or concerned about Quebec having powers that Alberta doesn't need. As an Albertan, I don't believe the case has been made that Alberta has to have all the powers Quebec has to have. I think Quebec's needs are different from ours. The same applies for our aboriginal people.

Number 5: I make a reference to the issue of Senate reform. Of course, it goes without saying that a reformed Senate should be made up of elected members. I talk about a balanced representation of Canadians because I'm not sure if we're going to get the equal representation, but I think we're going to get one that is at least equitable, and we should be concerned with a balanced representation in the Upper House. Finally, with respect to a reformed Senate, it might be worth while specifically mandating a new, reformed House of Senate to be particularly concerned with preserving and promoting the values expressed in the Canadian Constitution. I see a House of Commons that continues to deal with our day-to-day problems, but I see a Senate which has a longer perspective and must be involved in preserving the values that are enshrined in the Constitution.

Number 6 deals with process. I am a Canadian who is very, very satisfied with the current process; that is to say, executive federalism. I think executive federalism has worked very, very well in Canada, and I do not blame the failure of Meech Lake on executive federalism. I think it's sensible to have these kinds of forums as we have today, and it's reasonable to assume that ultimately a policy will be formalized and our Premier will articulate and promote that policy when it comes to negotiations with the other first ministers. In other words, I'm not at all excited about a constituent assembly. In 6(b) I'm simply saying that an all-party committee such as we have now is perfect, it's ideal, and it should become a fixture. We should know that when constitutional reform is upon us, we will always have an all-party committee that we can go to and be heard.

3:47

Number 7 is what I think might be a nominal provision, and it deals with the notwithstanding clause. The notwithstanding clause came in in '81-82 as part of a compromise. It hasn't harmed us the way many people thought it might; nevertheless, I think we should consider another check on its use. We presently have only the one check, which is to say that when the notwithstanding clause has been invoked, it has to be renewed every five years. That to me was a good beginning, but I believe we should consider the following requirement: when the notwithstanding clause is to be used, yes, it must come back every five years, but secondly, I think it should only be used after there have been hearings such as we're having today. In other words, when section 33 is being used, kind of regard it as a constitutional amendment thereby warranting public scrutiny.

Number 8 is borrowed from Meech Lake. I think it was a good idea to have provincial participation in the nomination of candidates for the Supreme Court.

I threw in number 9 because of the teacher in me. That is to say, I've had many, many classes where I've had to try to explain away some of the anachronistic language in the BNA Act, in particular the power of 123 years ago, the power of disallowance. So let's not overlook the fact that we could have some wholesale retooling of the BNA Act.

Thank you very much for hearing me on these nine points, and if there are any where you'd want to hear more background information or if you'd like to hear my emphasis on some of the points, I'd be glad to respond.

MR. CHAIRMAN: Yes, Fred Bradley.

MR. BRADLEY: Thank you. Obviously you've given some thought to your presentation. However, I'd like to ask you some questions about your proposed amending formula, the seven provinces representing 80 percent of the population of Canada. We've had a lot of discussion about provincial vetoes in terms of what effect that would have on the development of the Constitution. The 7, 80 formula in fact would give a veto to Ontario or Quebec. You could not get a constitutional amendment through unless both of those provinces agreed to it. If one of them denied it and there were nine other provinces that agreed to it, they would in fact have a veto, so your formula would give a veto to Quebec and Ontario. Have you thought about that in terms of those implications? Because a lot of thought went into the 7, 50 formula to ensure that no province would have a veto.

MR. McISAAC: I've worried about the Quebec veto and the Ontario veto since 1980. In my view, the people of Quebec have worked as hard as any Canadians to come up with appropriate reforms to the Constitution. I believe the province of Ontario has worked as hard as most Canadians, and I will acknowledge that Alberta has been a leader in the constitutional reform area. But I was awfully disappointed with the Premier of Newfoundland, and I was somewhat disappointed with the events in Manitoba. I was particularly disappointed with Mr. Wells, because he said in November of '90 – or was it November of '89? – that no one province should hold up . . . Well, I shouldn't say that, because that gets us to the Ontario and Quebec veto. Nevertheless, I am a Canadian who has no hesitation at all in granting a veto to Quebec and Ontario when it comes to that one area that heretofore requires unanimity.

MR. CHAIRMAN: Okay. Thank you very much.

I have a point. You raised something that nobody else has done today, so I just want to follow up on that, and that's on the Senate. We've talked about the triple E Senate, equal, elected, and effective. Nobody's really touched very much on that third E, the "effective," but you added a dimension to that today which I thought was significant. As you may know, I chaired a task force on behalf of the Premiers of this country and went across the country to seek out views from other provinces and the federal government on Senate reform. What really became the difficult issue was the effective E. I mean, it wasn't so much the elected, and it wasn't so much the equal, but the effective E was the one which was really going to give the most difficulty. You talked about a role of the Senate in terms of promoting the Constitution and the nature of the Constitution. Could you just expand on that a little bit?

MR. McISAAC: I wish I could. The idea, those words just came to me one day. I've reflected about it a bit and didn't anticipate a question on it. The triple E idea is well promoted, but there hasn't been much said about the effectiveness side of it, so all I tried to do was think of a way where we could distinguish the role of the Senate from the role of the House of Commons. As I was preparing this document, I found myself thinking in terms of values and principles and constitutional entrenchment. I thought: well, those are pretty lofty ideas, so why not specifically make those ideas the responsibility of the Senate? By saying "the responsibility of the Senate," I think what I mean, if I were to reflect on it more, would be the idea of requiring the Senate to approve changes to the Constitution in those areas where we're talking about values and the fundamental characteristics of the country. I think the Senate should have a responsibility like that. It would be their mandate to search the country on an ongoing basis looking for the fundamental characteristics of the country – what they were, what they are, what they will be – and taking appropriate action to promote and preserve them.

MR. CHAIRMAN: If you want to give some more thought to the idea and put it in writing and send it to us, I think we'd be very appreciative.

MR. McISAAC: Thank you.

MR. CHAIRMAN: Thank you very much, Mr. McIsaac, for your thoughtful approach.

MR. POCOCK: The next presenter this afternoon is Richard Vermette, with the United Brotherhood of Carpenters and Joiners of America.

MR. CHAIRMAN: Welcome.

MR. VERMETTE: I'm Richard Vermette. I'm with the carpenters' union in Edmonton, and I also sit on the executive of the provincial Building Trades Council.

I'm glad to be here today, Mr. Chairman and committee members. I'm here more as a concerned Canadian than I am representing the organizations I belong to. My concerns are that with the . . .

MR. CHAIRMAN: Can you be heard at the back? Can you hear? I think you'd better speak into your microphone.

MR. VERMETTE: Okay. I'll speak into the mike.

MR. CHAIRMAN: Thank you.

MR. VERMETTE: It'll take me a couple of minutes to get excited, and then I'm sure everybody in the room will hear me.

I believe this is a great country. Previous generations thought it was a great enough country to fight for, and I think the least this generation can do is speak up for it. We have many problems in this country, but we also have many benefits to being Canadian. We also have many privileges. Sometimes I think we take these privileges for granted, and we think they are here forever, and I don't necessarily believe they are.

I believe in a federal government with clearly defined powers, and it seems to me that the people who are the most pro separatist and who also want more powers for the provinces represent or are from the business elite. I've talked to union leaders from carpenter and millwright locals in Montreal, and they assure me that they're not interested in separating; they assure me that their memberships aren't interested in separating. They're more interested at this present time in protecting their jobs and protecting their standard of living.

Part of what they have to protect their job losses and standard of living from is currently the free trade deal, especially the millwrights. At one time if you manufactured a piece of machinery in the United States, you shipped it to Canada, and it was installed by Canadian millwrights. Now under the free trade deal the American supplier of this material or this machinery can send American millwrights into Canada to install it.

I'm going to say a few things about the Senate. When Prime Minister Mulroney added people to the Senate, in union circles that would be called stacking the meeting. If you don't have enough votes, you phone a few people before the meeting starts and tell them to come down and vote for whatever particular problem you're trying to get past. So I don't think the Senate should ever be in a position again where somebody can add to it just to pass an unpopular law like the GST. Whether it's appointed or elected, you shouldn't be able to tamper with it.

3:57

I'd like to comment, too, a little bit about the Meech Lake accord and the debate that went along with it. I think in the end that the debate about Meech Lake became the issue rather than Meech Lake. More people knew about the debate and what Premier Wells said or what the Prime Minister said or what someone else said than they ever actually knew was in the Meech Lake accord.

In January 1990 I was fortunate enough to visit Southeast Asia. I visited several different countries. When I returned, I took an assignment for the union and attended a conference at Banff that was put on. The guest was John Crispo, a great proponent of free trade and also of some government policies. He stated that Canada had better pass the Meech Lake accord; otherwise, foreign capital would perceive us as being an unstable country and would not want to invest in Canada. I almost started laughing. I'd just returned from Indonesia, where the Taiwanese businessmen are lined up at the airport in Djakarta to get into Indonesia to invest. Indonesia has two very active separate guerilla warfares going on inside their country, and yet the Taiwanese are investing billions of U.S. dollars in Indonesia. When you fly back into Vancouver and see this nice, clean, orderly Canadian city and think of us as being an unstable country, it's a little bit ridiculous. Now John Crispo has taken his views to the CBC.

I'm not going to comment very much on bilingualism or multiculturalism. I think most of the previous speakers have concentrated totally on that. My concerns are that if there is a new Constitution, who will write it? Will the same people who took part in the Meech Lake accord write the new Constitution? Will there be a constituent assembly? Will there be at least a constitutional conference, and who will attend this conference? Will the workers, the unions, the business, the various stakeholders in Canada be represented? I have suggestions along these lines that I think everyone in this society who's a stakeholder should be represented. That 11 mature adult males can make a decision for the whole of Canada behind closed doors should not happen, I don't think.

I believe that in Canada we're moving beyond the free trade deal with the U.S. I think we're headed for a North American free trade deal, and as a union leader I might be inclined to fight against this. I might not win. We might end up with a free trade deal which includes Canada, the United States, and Mexico. If Canada separated into three or four separate and autonomous countries, how could, say, Alberta, if we were a separate country, defend the rights and the economic interests of Alberta in a North American free trade deal when Canada has a hard time defending the rights of Canadian workers in the U.S./Canada free trade deal? It's a scary thought, to me anyway.

Our local is made up of people from many parts of the world, and they quite often come to me with suggestions on how we can work better between the government and business. They come from places like West Germany, where it's quite common for the unions and business and the government to sit down and decide how to solve a problem.

One of the problems that many of our people are becoming aware of is pensions. We have lots of people who came to Canada, worked four or five years in one industry, moved on to another part of Canada due to economic conditions, started to work in another industry, and now when they're getting to pension age, they're finding that unlike West Germany these pensions did not follow them from job to job and did not increase. At one time in our local we had a 10-year vesting period. We moved it down to five, and we moved it down to two, but there are a lot of people that fell through the cracks, who only worked here for three or four years and had to return to another part of Canada. Now, if we had pension laws that were Canada-wide, this might not have happened as easily. Because pension laws are different in each province, this made it possible.

I'm just about out of comments. As to the particulars of how you write a Constitution and the process, I think you could find a lot of lawyers and a lot of experts that can give you all kinds of advice. All I'm here today to do is to put forth that the working people should be considered when the new Constitution is written. Not always do we make ourselves and our points and our concerns known until sometimes it's too late. I also don't like to see another situation where the Meech Lake debate happens, where the debate and the fighting back and forth between the different stakeholders in Canada becomes the problem and what is in the accord or what is in the Constitution becomes second to the actual fighting.

MR. CHAIRMAN: Thank you. Well, your timing was perfect in terms of your presentation. Now you have five minutes for some questions, which we hope you'll respond to.
Yes, Jack Ady, and then Yolande and John.

MR. ADY: I was interested in your comments pertaining to investment in an unstable country. I suppose many people have spoken about the instability that might come to Canada if Quebec left as perceived by other countries, particularly those who might invest or those who are owed money by Canada. Do you perceive that this would not be a reality, that there would not be a concern if Canada were to break up? Specifically suppose that it goes as far as Quebec and even fragments further.

MR. VERMETTE: Yeah, it's a concern. I think what John Crispo meant the day he made the comments was that if we didn't pass the Meech Lake accord immediately, the immediate reaction the next day after the deadline ran out was that people were going to start pulling their funds out of Canada, and I don't think this happened. I think it would be very unstable for our economy. Financial markets don't like uncertainty, and it would be a really uncertain situation if Quebec were to pull out of Canada, but that's not what I said. What I objected to was this pressure tactic that we would be compared to somehow a Third World country if we didn't pass Meech Lake the next day. I don't think we are a Third World country, and I don't think we're really all that unstable. We can talk about our differences openly. There are parts of the world where the differences the people around this table have would be settled with gunfire, not with conversation. So I think we forget sometimes how much order and how much dialogue we really do have here.

MR. ADY: No, I wasn't trying to second-guess what Mr. Crispo was saying. I was just trying to reach through and get your impressions from your experience as to what kind of impact it would have on international money markets and investment in Canada in the event that Canada were to break up. That was really what I was trying to reach through and get.

MR. VERMETTE: I'm sure the first piece of business of the Premier of Quebec, whoever he would be at the time, would be to fly to New York and have a meeting with the chamber of commerce and reassure them that they hadn't gone crazy and that they were going to be a nice, stable, good friend to the U.S. or whoever else they owe the money to.

MR. CHAIRMAN: I think they've been doing that.
Yes, Yolande, and then John.

MRS. GAGNON: Thank you. Mr. Vermette, you asked the question: who's going to write the new Constitution? I have two questions to ask you about that. First of all, do you think we need a brand-new Constitution or just fix up the one we have and make it work better, and secondly, do you have a preference as to who should be at the table? Last night our former Lieutenant Governor talked about taking the results of this process and maybe a further process which would take place through an Assembly in the Legislature where there would be further hearings. We'd become a Committee of the Whole and that kind of thing. In any case, taking Alberta's final, consensus, arrived-at position to the negotiating table, and her preference being that the elected people would take the results and negotiate. She mentioned something about letting the elected people govern. Or would you prefer a constituent assembly made up of maybe some elected people, some nonelected? Do you have a preference?

4:07

MR. VERMETTE: I have a preference that it would be a constituent assembly, not just made up of elected people, because I don't want to see another Meech Lake debate. As a labour negotiator, I don't like the late-night deals anyway. I don't like to write agreements on the back of cigarette packages. I'd just as soon we do them in the daytime, when typists and copying machines and fax machines and everything else are available.

MRS. GAGNON: And do you think we need a brand-new Constitution, or fix the one we've got? Do we start from scratch, or do we renew what we have?

MR. VERMETTE: Personally, I don't think we need a new Constitution, but that remains to be seen. If there are enough people in Canada that think we do, then we should get on with it. This paralysis has got to end.

MRS. GAGNON: Thank you.

MR. McINNIS: Mr. Vermette, I agree with your comment that working people are more concerned about jobs and standards of living than they are about some of these details on the Constitution. It was suggested last evening that the fact that we have 13 different labour codes in Canada for a country of 26 million people hurts workers in the sense that there's some temptation by provinces to use labour laws as a means of attracting business. I wonder if we could have your comments on how you feel about the fact that we have in effect 13 different labour codes in Canada?

MR. VERMETTE: It leaves for bewilderment by our membership. They move from one province to the other, and they can't understand why a local in Winnipeg, for instance, can do certain things and a local in Edmonton can't, or a local in Vancouver can do something else. We had a meeting this week of business agents from various parts of Canada and the U.S., and we spent more time trying to figure out what was in each other's labour codes than we did actually on our problems.

MR. McINNIS: So I take it that you'd favour a standardization however that might be achieved.

MR. VERMETTE: Preferably by a federal government.

MR. CHAIRMAN: How many labour codes are there in the States?

MR. VERMETTE: There's one in each state, but the main part of the labour code is administered by the federal government.

MR. CHAIRMAN: Yeah. It's a little different there, isn't it?
Just one question. I guess this is perhaps news reporting about your discussions with colleagues in the labour movement in Quebec not supporting this separatist talk. One of the most prominent voices for separatism has been Louis Laberge. You know, that's what I've been hearing coming from Quebec. Of course, he is I think just retired.

MR. McINNIS: He got a new job.

MR. CHAIRMAN: He got a new job. In any event, that's one of the things, I guess, in terms of your understanding of things.

MR. VERMETTE: In Quebec there are international unions, like the one I belong to, and there are Quebec-based unions, and I think Mr. Laberge comes from a Quebec-based union. I belong to an international union, the United Brotherhood of Carpenters and Joiners of America, and they would tend to take a different view, and probably their memberships would, than some of the Quebec-based unions. I think every so often in Quebec they have to vote on which one they want to belong to. They're not like some of the alternate unions of western Canada. The Quebec-based unions that represent workers are real unions with real powers and are a force to be reckoned with. It would be a balance in Quebec if the international unions decided to stick with Canada and the other ones decided to stick with more separatism.

MR. CHAIRMAN: I guess you can't believe everything you read in the newspaper. Thank you very much for joining us today and for giving us your views.

We've reached the end of the scheduled presenters. I've had a request from at least two people who want to make five-minute, quick presentations, and I think we can accommodate those folks in the time available.

Terence Harding.

MR. HARDING: Actually, I can do this in five minutes. I recognize that it is a long day. I have copies of this submission for all 15 of you, even though you're not all here.

MR. CHAIRMAN: The others are in Calgary at the moment.

MR. HARDING: I know. The B group.

MR. CHAIRMAN: Maybe the rest of us aren't all here either at this time of the day. In any event, thank you very much.

MR. HARDING: When I visit southern Alberta, I tell the people I meet that I live in Edmonton, and I make it clear that I'm proud of my city. If my city is challenged, I will rise to her defence. I will acknowledge her weaknesses, but I will trumpet her strengths. When I travel to another province, I tell the people I meet that I live in Alberta and that I am proud of my province. If my province is challenged, I will acknowledge her weaknesses, but I will trumpet her strengths. When I voyage to another country, I am not an Edmontonian and I am not an Albertan; I am first and foremost a Canadian, and I make it clear that I love my country. I will acknowledge her frailties, but I will defend her against her detractors. I will enlighten those who are ignorant of her worth, and I will challenge those who deny her strengths. I'm here today not as an Edmontonian and not as an Albertan; I'm here solely because I am a Canadian and because I love my country, all aspects of my country. I love its poorer regions and its richer regions, its north and its south, its east and its west, its French-speaking areas and its English-speaking areas. I love the people of my country whether they are brown or black or yellow or red or white. I love them whether their families arrived here yesterday or have been here for generations. I love them for one reason and one reason only: they are my fellow Canadians, and without them there would be no Canada.

Canada was not and is not the creation of cartographers. Canada is more than imaginary lines drawn on a continent in the western hemisphere. Canada is its people. But Canada can exist only if people share a common concept of nationhood. If we lose that common concept, we lose our country. I love my country, but I am struggling to be proud of it. How can I be proud of a country which is willing to entertain the idea of bidding adieu to more than 25 percent of its population? How can I be proud of a country which is willing to fete one of the chief architects of its potential demise? How can I be proud of a country which has allowed itself to reach a state where meetings like this are necessary?

Who is to speak for my country? I don't want to hear any more discussions and arguments about Quebec language laws, French schools in Alberta, official bilingualism, transfer payments, and control over immigration; I want to hear a clear and unequivocal defence of the unity of my country. I don't want to hear that Canada can survive without Quebec. That is a lie of the mind. In my heart I know that statement isn't true. When I hear it said, I feel the same way I did when I told my daughter I was leaving her with her mother but that everything would be the same for us and in some things would be better for her, that she would still have her family; it just wouldn't be in the same house. Saying those things made me feel better and helped me justify my actions, but it did not make them true. Canada cannot and will not survive without Quebec. Some type of nation will result, but it will not be the Canada that I know and love.

I want to hear elected politicians such as yourselves tell me that my country is more important to you than your particular political parties. I want your commitment that these meetings are not going to be used to further your individual agendas. I want to hear you say that maintaining our national unity is more important to you than your individual government departments. I want to hear you say that you may let a poll tell you how much work you have to do to convince the public of the worth of a united Canada but that you will not let polls determine if Canada is worth saving. I want to hear you say that the Canada I love is more important than winning an election. If you have been saying those things, you have been saying them in whispers, and when it comes to the future of Canada

Our dried voices, when
We whisper together
Are quiet and meaningless
As wind in dry grass.

I recognize that we face many challenges as a country. We have arguments to settle and obstacles to overcome. I don't know what the ultimate solution to the factionalism which besets our country is. Perhaps the solution lies in an elected Senate, a break with the monarchy, or a confederation of regions. All those things are worth debating, but not now. There is neither world enough nor time. A political argument now is just more

Shape without form, shade without colour,
Paralyzed force, gesture without motion.

We are facing a crisis, and we must act accordingly. If we continue to argue about political minutiae, we will soon find that the decision on the future of our country has already been made for us. When your house is on fire, it is no time to argue about whether the carpets need cleaning.

We must send a message to the people of Quebec, not the politicians of Quebec but the people of Quebec. We must tell them that we value them, we understand their concerns, and we want them to remain in Canada. That is what we must do over the next year. We must communicate with the Quebecois directly. Through television, through radio, through print we must let all Quebecois know that they're welcome in all parts of Canada and that if their leaders are sending out a different message than that, then they are being misled.

The English and French blood spilled on the Plains of Abraham in 1759 should have consecrated the soil of a new country. It should have created fertile ground from which a new people would grow, people who are neither French nor English but Canadian. The political process should have been instrumental in making that happen, but politicians in this country have not helped its two founding peoples to talk to one another. They have created the two solitudes, and they have helped maintain them.

4:17

You have the chance to rectify this situation. You can help guarantee the future of this country. You can help the individual Albertan reach out to the individual Quebecois. You've tried to negotiate a future for this country and failed. Let us try to communicate a vision of the future, a vision of a united Canada. We have the ability to do that; give us the tools.

All relationships, whether political, emotional, or financial, are a constant struggle. As a result, some relationships break down; some relationships survive. But the parties in any relationship will only continue to try to solve their problems if they agree the relationship is worth maintaining. I think you believe that the relationship which is Canada is worth maintaining. I think the majority of Albertans believe that the relationship is worth maintaining. If I'm wrong about that, it's because we have not done a good job of communicating about our country as a whole. Maybe that's why there are so few young people here today. We have not even managed to instill in our children a passionate belief in their country. If we had, there would be more young voices here today demanding that we not negotiate away their heritage.

I am but one voice among other voices. You've heard voices which have said they've had enough of Quebec. They've had enough of official bilingualism. They've had enough of Ottawa. They've had enough of immigration. Though the voices may have sounded different, the message was the same: they have had enough of Canada. Make no mistake; those are the voices of doom. I've not had enough. I want to fight for my country, and I want you to help me do it, because if we don't, our country will come to an end with a referendum and a whimper.

Thank you.

MR. CHAIRMAN: John McInnis. I think we have time, a few brief moments for questions and comments.

MR. McINNIS: A strong emotional appeal. We need that, and we thank you for that. I have no difficulty in saying my country is more important than my party. I have no difficulty in saying that this process is about us listening and not about furthering an agenda. At least, I hope it is. It's certainly not about polling. We're not here to count noses.

We're looking for ideas. I wonder if you've tried to go beyond your emotion and arm us with some ideas so that we can arm, perhaps, the people who are going to end up dealing with this problem. I'm not prepared to say who that will be, whether it's the first ministers, whether it's some other group of people. I mean, I haven't had enough either. Have you got any ideas for us?

MR. HARDING: Well, I was thinking about this. Since my field is communication, I was looking at what I was saying about individual Albertans reaching out to individual Quebecois. When I talk to Quebecois, they're often surprised when they come, particularly to western Canada, that they do not meet hostility on the street. They have been ill informed about the nature of Alberta and our response to French-speaking peoples. I wonder whether there is not some way that a process can be set in place that the mothers and fathers of children who are in immersion courses can talk to Quebecois, that the children themselves can talk to Quebecois, that Alberta francophonie get a chance to say what would happen in the case of a separation from Quebec. I would like that to be a message from the people, not from political parties or politicians, because though it may come as a surprise to you, some people suspect your motives when you send out a message. If we could set some motion in place where individual Albertans could talk and set the model for the rest of Canada, where individuals from B.C., from Manitoba, and from all the other parts of Canada could talk to individual Quebecois, either through newspapers, through programs, or whatever means at our disposal, I think they would be surprised and pleased by the message they heard and would understand what their stake is in this country.

MR. McINNIS: Would you put that as something governments should promote, or are you talking about purely on a personal level?

MR. HARDING: I think government has the ability to make that start to roll. I can think of no better use of heritage fund money than saving the heritage of this country.

MR. McINNIS: Thank you.

MR. CHAIRMAN: Well, that's an interesting challenge, but let me say this. I appreciate your views and that you have given us an emotional appeal. You've asked if we've been saying these things. I think one of the problems we all have these days – you're in communications, so you know the situation. If we've been saying them, we've been saying them in whispers. Maybe we've been shouting them, but nobody has been reporting them. I just think we've got to take a new approach to communications. These meetings are good because we have a chance to talk back and forth with each other, but between us in this room and the great body of Albertans outside this room, there's something called the news media. How they report on what takes place in this room is extremely important. The same thing, of course, applies to how we communicate between provinces as well.

MR. HARDING: I agree with you one hundred percent. Not to act as an apologist for the news media, but the more clear the message is, the more clear the direction is, the more clear the destination is, the easier it is to report. I have trouble imagining that given your public affairs budget for the government, you can't get a message out on your own if the news media itself doesn't pick that up. I think what we have lacked . . . We have minutiae; we have lots of discussions. For example, you asked about the debate on Meech Lake. I think Mr. Vermette has a good point. I understood that there was a debate, but I never really understood what was being debated. Maybe if I had understood what was being debated, I would have been able to pick a side. But like many Canadians I stood back and watched a political argument being acted out on the national stage, and in the end I did not understand what my relationship was to that debate. Now, that I don't think is a problem of news coverage;

I think that's a problem of not communicating directly with Canadians.

MR. CHAIRMAN: Okay. Well, it's an interesting challenge, because we're in the process now. This is only the second day of our hearings. We now move on to other parts of the province – two panels of elected people – to listen. You haven't been here for the whole time, but I can tell you that what we have heard in this room has ranged from western separatists on one hand to a total unitary state on the other and then a lot in between. So what we are going to be charged with doing as responsible members of government is coming forward with the position, as Albertans, that reflects what we have heard and gathered from Albertans talking to us. I think we've been trying to listen during this process rather than tell. When we have the message from Albertans, when we take it to the Legislature, when we debate it, when we have our position, then we are going to have to tell not just Albertans but the rest of Canada what we see as the future of Canada and what Alberta in that Canada should be. That's the challenge this committee has.

I certainly respect your views and your emotional and patriotic attachment to this country.

MR. HARDING: I appreciate the challenge ahead of you. All I can do is encourage you to be expeditious in the development of that message. Yes, there are many conflicting attitudes out there. I was here yesterday and heard some which I agree with and some that I disagree with. In the end, we have to settle on what our objective is. All I'm saying here is that all the deliberations, I think, have to be done – I would hope would be done – from the perspective of maintaining a united Canada and not simply just taking it apart in bits and pieces.

Thank you.

MR. CHAIRMAN: Sir, your message is loud and clear. I think we heard that. Thank you very much.

Is there a Mr. Achilles in the audience?

MR. ACHILLES: There is, but I have nothing further to add at this time. There's been some remarkably good talk here. The views have been expressed that I would have expressed to you. I don't have anything written down.

MR. CHAIRMAN: Thank you. Which ones?

MR. ACHILLES: Except to say I congratulate . . .

MR. CHAIRMAN: No, I'm not trying to put you on the spot. If you'd like to take a minute or two – you had indicated you would like to say a few words – please do so and take a few moments.

MR. ACHILLES: My wife has just been trying to dissuade me from standing up here because, obviously, I'm here without any prepared material, and I don't want to insult you by telling you that I haven't prepared properly for this.

I just want to say, since I am here, that I think the work you're doing is most important. It's essential for the future of this country. The responsibility that you have here is, I would suggest humbly, above the level of your normal responsibilities even though ye be of cabinet rank. I think it's vitally important that politicians should recognize that you're in an exceptional time, that you've got to rise above political partisanship. I was here yesterday afternoon and this afternoon. I was very encouraged to hear this afternoon that the main thrust, it seems to me, of the statements that have been made – and they've been extremely good ones – is that we want to keep this country together and united.

4:27

The challenge with regard to Quebec is very great, but I think it is possible to rise to this challenge and to say, as my wife has been saying to me, maybe something good will come out of this bed of thorns that Canada is facing right now. I do ask you to rise above not only the partisanship aspect of your work but also above the purely provincial aspects. You are Alberta politicians, and there has been an inference at times from the political leadership here that Alberta wants greater powers for itself and that Alberta sympathizes with Quebec in this and that but let's have increased powers for all the provinces. I suggest that you've heard this afternoon a lot of people saying to you that we need a strong Canada, that provincial governments and the parts that you play as provincial politicians are very important but let us not balkanize Canada. Let us not fall into an empire of petty provinces with greater powers. Let us continue working for a greater country.

I do thank you for giving me these few moments, and I wish you very good fortune in the coming days. Listen to the messages that you're getting. I know that you are faced with the job of reconciling very many different points of view. I think ultimately you may have to face the fact that some leadership is going to be necessary. I hope that leadership will be inspired by a thought of your overriding responsibility to Canada as a whole.

Thank you very much.

MR. CHAIRMAN: Thank you. As our Premier said recently in a speech in Calgary, this is a time for average Albertans to show greatness. We'll try and do that, but so will all of you. Thank you very much.

We adjourn for the day, and we'll be back here next Wednesday morning at 9 o'clock.

[The committee adjourned at 4:31 p.m.]

1:05 p.m. **Monday, May 27, 1991**

[Chairman: Mr. Horsman]

MR. CHAIRMAN: Ladies and gentlemen, we'll start the proceedings now. First of all, I'd like to welcome you all to this meeting of the select special committee of the Alberta Legislature on the issue of constitutional reform. First of all, I'll introduce myself. I'm the chairman. My name is Jim Horsman, and I'm the Member of the Legislative Assembly for Medicine Hat. I'll ask my colleagues who are also on the panel to introduce themselves in just a moment.

There are 16 Members of the Legislative Assembly who are on this committee, representing the three political parties in the Alberta Legislative Assembly. We divided the committee into two panels. This panel is here today in Lloydminster. There is another panel which is now conducting exactly the same type of hearing in the city of Fort McMurray. In that way we're able to cover twice as much territory in the course of this week. The committees commenced their hearings on Friday last week in Edmonton and in Calgary, and the committee meetings will conclude at the end of this week on Friday and Saturday, likewise in Edmonton and Calgary, with the panels reversing themselves. For example, this panel was in Edmonton last week and will return to Calgary. We have also made it clear that if it appears that it will be necessary to have additional hearings, if there is a request, we will consider that after we've concluded the proceedings that are now under way.

It's an important issue facing us as Canadians: what will happen with respect to Alberta in a new Canada? For those of you who have not yet had an opportunity of reviewing our discussion paper called Alberta in a New Canada, one will be available to you at the meeting. I think they're available in the hall.

This afternoon we only have three scheduled presentations. We had provided for 15 minutes for each presenter. However, as there are only three slots filled now, we may just take a little longer if there are questions from the panel to the presenters, and that would give you a little more time for your presentation. Likewise, if there are people who have appeared and have come this afternoon and feel that they would like to make a presentation from the floor without providing us with advance notice, we are pleased to hear from you and we will be happy to have you come forward and give us your views. We want to be informal, and we want to be relaxed about our opportunities for discussing this matter with each of you as Canadians.

Having said that, I'll ask now, starting on my left, for the members of the panel to introduce themselves.

MR. HAWKESWORTH: Thank you, Mr. Chairman. My name is Bob Hawkesworth. I'm the representative for Calgary-Mountain View in the Legislature and a member of the Official Opposition New Democrats.

MRS. GAGNON: My name is Yolande Gagnon. Bob Hawkesworth lives in my riding; he's one of my constituents. I have to be really careful of what I say with him sitting beside me here. I represent Calgary-McKnight.

MR. ADY: I'm Jack Ady, the MLA for Cardston constituency.

MR. BRADLEY: Fred Bradley, MLA for Pincher Creek-Crowsnest.

MR. SEVERTSON: Gary Severtson, MLA for Innisfail.

MS BARRETT: Pam Barrett, Edmonton-Highlands.

MR. ROSTAD: Ken Rostad, Camrose.

MR. CHAIRMAN: On my left is Gary Pocock who is the secretary of the committee and a member of the staff of the Department of Federal and Intergovernmental Affairs.

I'd like to welcome in the audience, as well, two of our colleagues from the Alberta Legislature: the Hon. Steve West, MLA for Vermilion-Viking and Minister of Recreation and Parks; and the Member for Lloydminster, our host MLA in this constituency, Doug Cherry. Welcome, gentlemen.

I'll ask now for Nancy Mereska to come forward and to join us at the table and to make her presentation.

MRS. MERESKA: Thank you. Can you hear me? Is that all right?

MR. CHAIRMAN: Can the people at the back of the hall hear? That's good, yes.

MRS. MERESKA: My name is Nancy Mereska, and I'm here making a presentation not only as an individual woman in Canadian society but also as the northern regional representative of the Alberta Status of Women Action Committee. Thank you very much for giving me this opportunity to meet with you today and give you some thoughts regarding Canadian constitutional reform. I am grateful that this commission on constitutional reform is holding its public meetings in centres where all Albertans can have an opportunity to express their views on this very vital document.

I believe that the binding fabric of a nation is its Constitution. I was, however, a little shaken when the organizer who placed me on your agenda today told me that this committee is interested particularly in hearing from special interest groups. I am here today as the northeast regional representative of the Alberta Status of Women Action Committee. Since women make up 52 percent of the population of Canada, it is very difficult for me to accept the notion that we are a special interest group.

Regarding human rights. I feel that individual accessibility to education regardless of economic circumstance must be incorporated into our national human rights legislation and our Constitution. I was shocked into awareness of the travesty of accessibility to education in our own province when I found out that 30 percent of Albertans are illiterate. What are the statistics for the rest of Canada? The fact that our postsecondary educational institutions are raising fees above and beyond reasonable levels is going to make accessibility to education even more difficult for the financially disadvantaged.

Poverty is a disability, and 64.9 percent of single families headed by women in Canada are poor. One in every five children in Canada lives in poverty. How many potential Einsteins or Marie Curies are going undeveloped because of poor nutrition and lack of monetary resources that pay for a better quality of life including health, happiness, and education? Therefore, social and economic rights outlined in a reformed Charter and entrenched in our Constitution would give all Canadians a constitutional right to those benefits and services which are required for a reasonable standard of living, such as rights to health care, education, housing, and a guaranteed annual income.

I would be remiss if I did not address the debate regarding recognition of fetal rights. I quote from Women and the Process of Constitutional Reform by A. Anne McLellan.

> An express recognition of foetal rights would place significant limitations upon a woman's right to control her body and the process of reproduction. To grant the foetus constitutional status, independent of its mother, opens the door to the possibility of state supervision of a woman's pregnancy and may provide other interested parties with further means by which to intervene in, and control, women's lives.

While I have at times personally grieved over the numbers of abortions being performed in this country and the loss of this valuable human resource, I grieve more over my conscious awakening of the plight of women in our society. Women still are the ones with the majority of responsibility in caring for children and all their needs. Women make, on average, 64 cents to every man-made dollar. Women suffer the indignities of violence at a rate of 1 woman in 4 in our society. When we travel in an airplane, we are told to take care of our own oxygen needs first and then those needs of our own children. I am convinced that when women are assured of their own economic, personal, and societal safety and security, we will see fewer abortions.

1:15

Regarding national standards. I suggest that great caution be exercised in the area of complete decentralization, especially regarding the establishment of minimum health and social service standards throughout the nation, which requires both federal funding and standards. I also think that administrative powers could be effectively delegated so that the concerns of local areas could be addressed according to the standards set by federal jurisdiction.

However, I have had my own experience with complete frustration in this area when it comes to the standards set out and the moneys allocated both federally and provincially for shelters for battered women and effective programs for the prevention of violence in the family. Family violence is a national problem with devastating repercussions on the families inflicted with this malady and on our socioeconomic structure as a whole. The percentage of social dollars spent on the ripple effect of dysfunctional families is phenomenal. There should be national standards in place regarding life skills training classes in schools and acceptable funding levels established to support qualified therapeutic activities, both group and individual, to curb the malady of family violence in Canadian society. I am not speaking of psychiatric therapeutic activities, but rather meaningful community programs of prevention: programs that do not need expensive doctors and profiteering drug companies but do need funding pools for therapists and facilitators trained in the new perspective of prevention through behaviour modification and life skills management training courses.

Pay equity and the recognition of the contribution of women to our society must be endorsed in our Constitution. As Penney Kolm has pointed out in her book *Somebody Has To Do It*, in her chapter Calculating the Dollar Value of Housework:

> Recent United Nations figures estimate that housework contributes the equivalent of $85 billion a year in Canada and $499 billion in the United States. That's a heck of a lot of money. Or rather, it's a lot of unrecompensed time . . . But waiting for a "good government" to initiate necessary changes is like counting on a "good husband" to provide lifetime security. You might as well believe in the tooth fairy.

Well, in meeting with you today, I am giving you notice that I am putting my domestic tooth under my pillow and praying that the constitutional tooth fairy will consider that unpaid work contributes to 40.2 percent of the gross national product of this country and that the women of Canada in the work force can be assured pay equity and that the women of Canada at home can be assured pension plans and benefits for their labours.

Regarding internal barriers. Some years ago I did a study on internal barriers between provinces in Canada. Unfortunately, I gave it to my then MP David Kilgour and didn't keep a copy for myself. Maybe David still has it somewhere. When I moved to Canada some 24 years ago, I was shocked to find that I was living in a country that is divided east and west. Recently there have been calls from various groups and political fronts that the have provinces should be contributing substantially to the have-not provinces. I have not found that many changes happening to settle the problem of regional disparity in Canada over the last few years. The advent of the Reform Party has intensified the fact that the problem still exists. One would not have to consider the question of the equalization payments between the have and the have-not provinces if the existing barriers regarding trade and economic opportunity were dissolved effectively. Canada is so bent on developing effective trade packages with other countries, yet regional economic disparity is a real problem inside our own borders. This includes working out an agreement with Quebec to keep it a part of our nation.

Here in Alberta we celebrate our ethnic differences every year at a special heritage festival in Edmonton. In rural Alberta we keep our ethnic traditions alive by teaching our children the traditions and dances of our ancestors. It is time for Canada to celebrate Quebec and vive la différence and recognize the contribution that this province gives to our country. Where have you seen a headline that reads "Welcome to Canada, Quebec"? Instead, we despair at Quebec's bigness, its demographic and industrial clout. We fear its real or perceived political power. We only see in here the negatives on the news. What is the truth about Quebec? Where do we stand with Quebec? Here we are discussing what we want to see in a Constitution for Canada as whole, and we do not even know if we will have a whole Canada a year from now.

In regard to the special issue of women and marital breakdown. Federal standards regarding divorce and maintenance enforcement must be entrenched in our Constitution as well, unfortunately. If these powers are given to the provinces in a decentralization movement, then women who find themselves trying to escape violence could find themselves trapped in one province or area because of each province having the right to set its own standards regarding marital failure.

Regarding provincial equality. Enough cannot be said on this subject. Canada must have equal representation somewhere in Ottawa, and a triple E Senate is our only hope. I am sickened when I read the disgusting amount of money that is being paid to old party favourites who have been handed a seat in the Senate because someone in a position of power liked them. A triple E Senate will certainly give each province the opportunity to have a designated power authority in Ottawa that has an equal voice with the other provinces. This would be very progressive indeed.

I am very concerned about the infiltration of the privatization of health care in Canada. In observing centres that contract out to social services, and also where a fee is charged to individual families, particularly in the care of handicapped people, I have questioned the quality of care these people are receiving. It is obvious that these centres are for-profit facilities, not for-care facilities. I am totally against setting up health care facilities for profit. It usually means that poorly trained staff are hired at minimum or not much better wages, that the ratio of staff to those served is stretched to the limit, and that the shareholders in such enterprise rake in profits without having to account for the quality of the care centre they have invested in. It is morally wrong as far as I am concerned. National standards for health care of every type must be entrenched in our Constitution.

Regarding public input. I think that the idea of a constitutional convention of Canadians from all provinces is a wonderful one. I would be very supportive of such a convention.

Thank you for hearing my views today. I realize I've covered a broad topic, but I studied a lot of material to make this presentation. Thank you.

MR. CHAIRMAN: Thank you very much. Members of the panel will want to ask questions, I'm sure.

May I just say at the outset, however, that I'm sorry if you got the impression that it was only special interest groups who we encouraged. Quite the contrary. We wanted people, individual Albertans, to come forward, and whoever gave you that message I think was not correctly interpreting the wishes of the select committee because we, of course, will hear from groups and organizations, but we do very much want to hear from Albertans, individual Albertans, during the course of these hearings. So I apologize for that comment being made to you. In any event, it didn't dissuade you from coming forward.

MRS. MERESKA: Not at all.

MR. CHAIRMAN: Yes, Jack Ady, Yolande.

MR. ADY: Thank you, Mr. Chairman. In your opening remarks you made some comments about the percentage of illiterate people in Canada. I believe you quoted 30 percent.

MRS. MERESKA: In Alberta.

MR. ADY: In Alberta?

MRS. MERESKA: Uh huh.

MR. ADY: Could you tell me what that's based on? Is it based on a grade level of achievement, or is that just a statistic that someone has arrived at? I know that some of the federal statistics to define illiteracy are based on those with no high school; for instance, grade 9 and below is considered illiterate. I guess I have a little trouble with that, but I'd just like to know what your statistic was based on there.

MRS. MERESKA: Okay. You're correct. Only these statistics are based on a grade 6 or below level of education and on the numbers of immigrants who are not literate in English or French, either of our national languages. Well, it's a statistic that was actually given to me in a sociology class. I'm just finishing a sociology degree. I'm sorry I don't have the source with me, but that's what it's based on, grade 6 or lower. I was shocked too. I couldn't believe it: 30 percent of Alberta.

1:25

MR. ADY: A supplementary back on that.

MR. CHAIRMAN: Could you hold it a moment; we seem to have a technical malfunction here.

Okay.

MR. ADY: In view of you mentioning immigrants as being part of the group that have grade 6 or less, would you advocate then that immigration laws be tightened to the point that we do not allow people into Canada who have less than a grade 6 or grade 10, 12 – some level – in order to assure that they bring their literacy with them, so to speak?

Just let me ask you one more question, because I only get one supplementary. The second one that I'd like to ask you is you indicated that it was essential that we have a triple E Senate. Would you then advocate that Alberta take the position that we do not enter into a signed agreement on this round of constitutional discussions unless we are assured of the triple E Senate up front?

MRS. MERESKA: Okay. To your second question, a definite yes. To the first question, a definite no. As a matter of fact, in the world camps right now, the refugee camps, there are more women and children who are kept back because they are considered undesirable immigrants as far as the labour force is concerned, as far as educational institutions are concerned. Certainly we should not close our doors to immigrants because of the literacy factor. We should have more education programs in place. The English as a Second Language program, for instance, not only in Alberta but across the nation, is a travesty. For instance, I'm qualified to teach English as a Second Language, but if I want to, I have to go out, and I have to contract, I have to find places that have the moneys, the funding available for me to have this contract, and it's really quite the go-around. There's no definite English as a Second Language program in place that's funded regularly in this province.

So, definitely not to your first, but definitely yes to your second.

MR. CHAIRMAN: Mrs. Gagnon.

MRS. GAGNON: Thank you. You mentioned at the outset something about the fact that you felt human rights should be in the Charter. My understanding is that all of the individual rights are in the Charter, and I'm wondering what additional ones you would like to see in the Charter. That's my first question.

MRS. MERESKA: Okay. I realize human rights are in the Charter, but there has been talk of a reform of the Charter as well, so I've more or less blended that in with my remarks here. Equity for women across the board: no doubt. Also, my remarks regarding the great debate right now that's going on for the rights of the fetus separate from the mother: I believe that the mother's rights have to be cared for first.

MRS. GAGNON: So what you were saying was that you'd want the Charter to become part of the Constitution in the sense that it's sacrosanct; it's sacred; you don't fool around with the Charter.

MRS. MERESKA: That's right.

MRS. GAGNON: Okay. My second question. I'm the Advanced Education critic, and I was very interested in your comments about getting rid of internal barriers and postsecondary fees and how they're keeping a lot of qualified people out and so on. When you say get rid of internal barriers, are you talking of a common standard of degrees and what constitutes a degree and portability of degrees, of high school diplomas, that kind of thing? Could you expand just a bit on that?

MRS. MERESKA: Well, actually my internal barriers had to do with commerce in Canada. I realize I read this quite fast, but you've brought up an interesting point, and I'm glad to comment on this. We in rural Alberta, particularly right now, are suffering a great brain drain. Our youth aren't staying around rural Alberta; they're going to the urban centres where they can find work and where they can find education. So we see the brain drain greatly in our smaller centres. Also, the portability of accredited work across provinces: that is something that really needs to be taken a look at as well in dissolving these barriers to trade and commerce within our own country. So I'm glad you brought that up.

MRS. GAGNON: Thank you.

MR. CHAIRMAN: Bob Hawkesworth, and then Pam Barrett.

MR. HAWKESWORTH: Thank you, Mr. Chairman, and thank you for your presentation this afternoon. Some have said that the renewal of Canada will only come by making the provinces stronger. In fact, the Allaire report in Quebec advocates the federal government getting totally out of a number of areas and in areas of shared jurisdiction that the province take over a number of those areas. Yet you came here today telling us that you think the federal government maybe even has a stronger role to play on the national scene, particularly in education, which is an exclusively provincial jurisdiction under the present Constitution. So how do we reconcile sort of this pressure from some people with your proposal? Do you really feel that the renewal will come from greater strengthening of federal institutions instead of greater strengthening of provincial powers?

MRS. MERESKA: Not necessarily a greater strengthening of the federal institution but keeping the federal institution that we have. I am against a lot of the decentralization measures, especially when it comes to the health care, as I mentioned a couple of times. If we decentralize when it comes to the divorce laws, in Canada this would be a travesty, especially for any woman who is trying to get away from an abusive situation in B.C., for instance, and decides to move to eastern Canada and finds that the laws governing what's going to happen to her life there are completely different from the laws in B.C. and that's she's trapped; she's trapped to a certain area.

In education, this is something about the Canadian government that I've never really been able to come to terms with. Not only are we able to carry the credibility of high school diplomas or college diplomas across borders in Canada, but when it comes to the national phenomena that I addressed here of family violence and the different educational programs that are available if only the proper funding pools could be tapped at the right time. One of my main concerns coming here is the issues of women, and particularly women who have suffered violence or are in violence and the need for the closing down of the ripple effect, the need for the recognition that there has to be a steady funding pool established nationally to deal with our national problem.

So strengthen what we have federally and provincially together, but the idea of this decentralization I can see can have a negative ripple effect on women overall when it comes to equity, anything of that nature. Leave it up to each province, and each province is ruled by different interest groups. Who's going to rule the interest groups, and who's going to make the final decisions in the end?

MR. HAWKESWORTH: Do I have one more?

MR. CHAIRMAN: Yes. One supplementary.

MR. HAWKESWORTH: Thank you. You also mentioned in your comments about celebrating the difference that Quebec has with the rest of Canada. Should there be some way that we recognize Quebec's difference in the Constitution and provide perhaps some different powers to Quebec to help it preserve its difference?

MRS. MERESKA: I think Quebec's difference is automatically preserved. Each province is just as unique and has just as much to contribute to this nation as a whole as the other. I think you're speaking about possible sovereignty association, or . . . I'm sorry; I don't know the political jargon that goes with this particular issue. In fact, I think that each province should be recognized equally: one-tenth, one-tenth, one-tenth.

MR. HAWKESWORTH: Okay. Thank you.

MR. CHAIRMAN: Pam Barrett, and then Ken Rostad.

We're taking a little longer than your 15 minutes, but I hope you'll appreciate that because we don't have as many presentations today, we have a little extra time, and therefore I hope you don't mind answering a few questions.

Pam and then Ken.

MS BARRETT: Yeah, we don't often get a chance to be thorough is the other way of saying that.

You mentioned the need for national health standards to be expressed in the Constitution, and I just want a little bit of clarification here. I assume that what you're talking about is something like what was in the Meech Lake accord only a different wording. Now, remember the fight was objectives versus standards. Do you remember that?

MRS. MERESKA: Yes.

MS BARRETT: Yeah, okay. So what you're saying, I assume, is that we're not talking about, you know, "It shall be in the Constitution that if you break your leg in any part of this country, you shall have it mended in any part of this country." You're saying put in standards, use the word "standards" when it comes to the cost-shared programs like health care. Is that right?

1:35

MRS. MERESKA: Yes.

MS BARRETT: Yeah. Okay. I suspected, but I just want to make sure.

If you were to do that . . . Now, you know that education is also cost shared, right, although it's less and less cost shared as the feds introduce legislation to diminish the funding that they give to certain provinces like Alberta. Do I assume from what you said about national again that you would want to see education in that cost-shared concept also entrenched in the Constitution? It is currently not.

MRS. MERESKA: Well, my concerns are this, and I said it in bold print in my write out: poverty is a disability. I am more and more concerned as I see postsecondary institutions raising their fees. The cost of books is phenomenal, you know, the costs for education, housing. Well, the overall cost is something that 25 years ago we would have just said, "Forget it; I can't do that." Today I'm afraid that young people are saying, "Forget it; I can't do that."

I know that in rural Alberta we have to push for special programs, that our young people in our high schools are not scared by the prospect of having to go to an urban centre to be educated by the overall costs, particularly in a farm family where they know what it's like to live on a yearly income and then make that income do till the next harvest, knowing that at the end of the year once again they're just waiting for their harvest profits so they can live again for another year. This hand-to-mouth situation that so many of our youth and young people have to live with in their growing-up years I'm afraid deters their, shall we say – what's the phrase I want? – self-fulfilling prophecy of even aspiring to higher education. Then when you get up against the roadblocks of the costs of education, certainly something more has to be done to recognize the brainpower of our youth in Canada and to do something to develop that brainpower.

MS BARRETT: Yeah. I understand the thrust of it. Specifically with respect to recommendations for constitutional change, would you be advocating that? In the old-style language, such as the Meech Lake accord where under cost-shared programs there was a national debate about whether you want standards or objectives . . . I'm asking you, because I think there's going to be a national debate about education with respect to the Constitution: do you want to see some specifics with respect to the education system put right into the Constitution?

MRS. MERESKA: Oh, yes.

MS BARRETT: Okay.

MRS. MERESKA: That's written right here. I'm sorry I led you around the mulberry bush on answering that.

MS BARRETT: That's okay. It was a nice mulberry bush, and I got the point. Thank you.

MR. CHAIRMAN: Ken Rostad.

MR. ROSTAD: Thank you, Mr. Chairman. Not having had the opportunity to read your brief, which isn't your fault . . .

MRS. MERESKA: I couldn't make enough copies.

MR. ROSTAD: No. I understand that. We'll get that as well.

I'm having a little trouble with your standards or your idea that education should be enshrined in the Constitution as a national responsibility. When the other panelists were asking questions, it seemed to be that you always came back to the idea that it was poverty or some other – family violence, something like that – and I heard that you thought that perhaps education by making it national would help to overcome these. I'd like you to expand a little bit on that if you could.

MRS. MERESKA: Oh, no. I didn't say that at all. What I'm asking for are national standards in education policies for helping to alleviate family violence; that is, the life skills education programs that are being offered actually be a part of the national fabric of education. Not only that, but when it comes to the accessibility to education, my worry is that because of the statistics of the numbers of children in our nation living in poverty, they do not have this accessibility. To get this accessibility, unfortunately . . .

I see this over and over again. I see a student who is able to walk into a classroom and absorb knowledge. I speak from experience. I have fraternal twin sons. One could walk into a classroom and absorb knowledge without even opening a book. I don't even remember that child opening a book to study at home. He was a straight A student with no problems, the Rutherford scholarship, the whole bit. His fraternal twin brother had a dyslexia problem. I fought for that kid the whole 18 years I was at home rearing him. Now they are both premed students in separate colleges. Once this other boy had his computer and had his WordPerfect spellcheck program, his marks compared to his brother's. Once his brother got into university, he had to develop study habits. The boy had developed them because he had to learn study habits the whole time he was getting 60, 70 percent and even less in school and having teachers tell him that he would never be college material. They're both premed students right now.

Not only that, but these students who develop the study skills through having to study for the marks that they get know how to study once they get in university. The scholarships, the Rutherford scholarships, all this, that, and the other: what are they handed to? They're handed to the kids who can walk into a classroom and absorb knowledge without hardly having to open a book. It makes me ill, because how many of those kids would be achieving in university and have the accessibility to the costs of university if their abilities were recognized instead of their academic achievements? So often they're not only poor financially; they're poor because of the ability of recognition from the people who are in charge of handing out the moneys to get them into university.

MR. ROSTAD: I just wanted to ask a supplementary. I'm still having a little trouble figuring out how making education a national responsibility or national standard is going to help in that. I guess I also come from a different way. Who's going to set those standards, and are you maybe talking more about who is going to fund it? You're getting at the fact that it should be open-ended funding. I personally don't think there's a problem with access in education right now. Certainly there are some people that don't have the financial resources to go without accessing finances, but anybody that's qualified can borrow.

MRS. MERESKA: Then they have to go through such a gauntlet.

MR. ROSTAD: I went to university by borrowing.

MRS. MERESKA: I think we all did.

MR. ROSTAD: I mean, I'm not flagging my own financial status, but I don't see how setting it as a national responsibility . . .

MRS. MERESKA: Education is a national responsibility, Mr. Rostad. I agree to disagree with you.

MR. ROSTAD: I'm not trying to be argumentative. I'm just trying to find out why you think Ottawa having control of education is going to make education better across Canada than the individual provinces, and that's essentially your theme I think.

MRS. MERESKA: I've already discussed with Mrs. Gagnon the fact that in Canada we do not even have portability of degrees and credibility across provincial boundaries in various areas. We have provinces where children go 13 years to get a high school diploma and others where they go 12. We have provinces that have excellent programs for the learning disabled and other provinces that are 25 years behind. We have provinces that have really easy qualifications to get into university, and we have others that just keep upping the qualifications and upping them and upping them. My own son is going to be looking at going to medical school in another province because now the standards at the U of A are just sky-high. I could go on and on, if we wanted to carry this argument further.

I think that education is a national responsibility. It's a national responsibility for the immigrants that are coming into our land. It's a national responsibility to keep our brains in Canada. It's a national responsibility to keep our brains in every province and to be developing this nation. Instead we put out billions and billions and billions of dollars to go on free trade packages with the U.S. Now we're watching $1.3 million a week be spent in the U.S. to have free trade packages with Mexico, which has for years already had the Maquiladoras corridor going 100 to 125 miles into Mexico where the U.S. has set up over the last 25 years some 2,900 companies already using Mexican labour at 67 cents an hour to bring their profiteering products back into the U.S. or Canada to sell them. They've already got those all set up. Why do they want to drag Canada into this?

If you want to debate this issue on a global prospect, I will with you. Education is a national responsibility.

1:45

MR. ROSTAD: I wasn't trying to argue against. I was just trying to get an understanding of how you want it to be national. I'm not even saying I don't agree with you.

MRS. MERESKA: I hear you being argumentive when you say that you don't think it should be.

MR. ROSTAD: No, I was trying to get you to explain to me why it should be and how it would work any better than it is now.

MRS. MERESKA: Well, I think it would work very much better if there were standards set nationally and shared provincially.

MR. CHAIRMAN: Well, I don't want to be argumentative, but could you reconcile your views with the United Nations report which came out last week which said Canada is the second best country in the world in which to live and it is so in part because of our high educational standards and achievements?

MRS. MERESKA: I'm sorry; I haven't read that report nor have I seen the reports of it.

MR. CHAIRMAN: Well, I'd recommend it to you.

MRS. MERESKA: I would like to read it.

MR. CHAIRMAN: Good; I hope you do.
Thank you very much for your presentation.
Paul Mahe. Welcome.

MR. MAHE: Good afternoon, Mr. Chairman. Alberta in a New Canada is the title. My name is Paul Mahe, retired in St. Paul. I am a veteran of World War II and served in Newfoundland with the Edmonton Fusiliers, 2nd Battalion, under Maj. Saul* of Chauvin, and W force in St. John's, Newfoundland, before it became a province, under Brig. Goodeve* as a staff sergeant. Also, I served Robinson Stores of Canada as a superintendent of retail stores for 26 years in northern Alberta and in the two constitutional languages of the land. Also, I was in charge of the Canadian Corps of Commissionaires in Ottawa in 1978 in both constitutional languages.

Mr. Chairman, I went around the world once with Mrs. Mahe. We found out that we had the nicest country in the universe, the second largest in area, the richest in natural resources, of which many are undeveloped. We want to keep it that way.

It is close to 500 years now that we have a new Canada. It is composed of all the nationalities of the world. It appears, ladies and gentlemen, that the disunity of the land is caused more by the language than anything else. Mr. Chairman, I have one proposition to make: that we centralize the department of education. The present Constitution is based on a bilingual status now, since over 100 years. In order to be functional, it should be on a federal basis, and it should be centralized similarly to the human heart. How would you ladies and gentlemen see the body functioning with 12 hearts in one body? I compare the department of education to the heart: it feeds the body. The heart feeds all the limbs of the body; relatively, the department of education should feed every square inch of the periphery of Canada.

If Switzerland has the most powerful banks in the world, being a polyglot country, and it is functional, we should also be in a position to operate on a national status bilingually. By the way, in parenthesis, both my mum and dad were Celtic, and they spoke the language. We wanted to learn that language too, but dad said, "We'll look at the Constitution, see what it says." He told us, "You guys," – there were five of us – "you learn how to read, speak, and write the constitutional languages of the land." Today we thank him for that. This is why my suggestion is that we should have one centralized department of education and eliminate the provincial ones. We would eventually have a smooth and united country. If need be, and this is only a suggestion, all the members who operate functionally on a constitutional basis should also be doubly remunerated and others reduced.

This, Mr. Chairman, quite concise and to the point, is my opinion on how to operate logically in this vast country with members who can speak, read, and write in the Canadian language.

Thank you for giving us the opportunity. Thank you for the favour of expressing our views before it is too late.

MR. CHAIRMAN: Thank you very much, Mr. Mahe.
Yes, questions?
Pam Barrett.

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*These spellings could not be verified.

MS BARRETT: I wonder about some of the technical implications of following your advice. If we were to say that education should be specifically entrenched in the Canadian Constitution as a federal jurisdiction, knowing that there are differences between provinces and knowing that – I mean, you've just got to be real about this, right? – local history varies and stuff like that, how would you apportion curriculum development, for example, to reflect both realities? Would you say that you give in the Constitution a specific formula so that the feds, say, have 75 percent? You know, the concept that the national government would participate to developing 75 percent of the curriculum and the provincial government would develop the other 25 percent? Something like that?

MR. MAHE: My suggestion, Pam, is to follow the philosophy of Switzerland. It operates smoothly, and they're very powerful financially. They're a polyglot country. We were in Switzerland twice. I think there are four official languages there, and we're only coping with two in Canada.

MS BARRETT: I understand, but what I was talking about, I guess, was more geographical. The fact of the matter is that you can fit about 500 Switzerlands into Alberta, and I don't know how many million into Canada, right?

MR. MAHE: Right.

MS BARRETT: So would you make any provision for allowing for regional or provincial differences? Which I don't think are just perceived; I think they are real.

MR. MAHE: What I would suggest, Pam, is that we have a referee in those areas. Now we have fax machines, we have computers, and everything would be reported immediately to the centre like the heart feeds the limbs of the body. This is my relativity. You can put a hundred Switzerlands in Canada; I know that. But communication is no problem today, is it, Jim?

MS BARRETT: That's true.

MR. MAHE: There's no problem in communication in 1991. There was in 1935.

MS BARRETT: You've got that right.
Thank you.

MR. MAHE: You're welcome.

MR. CHAIRMAN: Let me just get myself clear on your comments. You regard the language issue between French and English as being the main problem confronting the country today. Your solution, then, is to give to the federal government the responsibility for education, and thereby, through a process of the federal government, they would require everyone in Canada to be bilingual, and that would eliminate the problem. Is that correct?

MR. MAHE: No, it's not my point, Jim. I took five years of Greek and Latin. I took it within the class, you know, and we could speak Latin in the fifth year. In this case it would take probably 25, 35, 40 years. I'll be long gone. This country would run smooth, because it would operate relatively to the human heart. It would feed every root of this country, and we'd like to keep it this way because we have the second largest in the world. As I said when we came back to Canada, we love this country and we want to keep it together. We're on the verge of separating it. I don't like to see it that way, and I'm sure many Canadians will feel the same way as I do.

1:55

MR. CHAIRMAN: But the end result would be that everyone in Canada eventually would be bilingual.

MR. MAHE: Well, understand what's on your dollar bill, the languages on your dollar bill that you and I use every day. Logical?

MR. CHAIRMAN: Right. That, of course, would apply in Quebec as well.

MR. MAHE: The same way, Quebec as anywhere else. I'm not partisan of Quebec. As I say, I'm of Celtic decent. I'd like to follow a Constitution of any country in the world, and we know we're in the best country in the world. All we need now is the finance and to have competence in the administration of the finance, like Nancy mentioned before me. Once that's taken over, we should sail at high seas in the world and help a lot of underdeveloped countries.

MR. CHAIRMAN: Well, thank you very much for your very thought- provoking comment.
Yes, Bob Hawkesworth.

MR. HAWKESWORTH: Thanks, Mr. Chairman. I wanted to thank you also for your presentation, Mr. Mahe. I think sometimes in these hearings we tend to focus on what's wrong with the country as opposed to what's right. I think many of us have been hearing from a large number of Albertans who feel that we should abandon bilingualism; that it's not appropriate for Alberta and Alberta is largely English speaking, largely unilingual. Given sort of this point of view that many Albertans have expressed, what would you say in reply to them? In your view, why should we be emphasizing two languages more strongly in Alberta instead of what many are advising us and that's to back away from the use of two languages?

MR. MAHE: Good question, Bob. Quebec is over there with a big province, and it's been there for close to 500 years, since the Celtic developer of Canada. It wouldn't be a necessity that you in Calgary speak both languages, but eventually your children's children would be fluent in all of them. Quebec would have to learn English, and all the people in the Northwest Territories would learn both languages, as they are now. There are 300, 400 languages in Canada. At least we should speak what's on our dollar bill, shouldn't we? Right?
Thank you.

MR. CHAIRMAN: Thank you very much. I think all the members of the panel would agree with you that we do indeed have the best country in the world. For your years of service to the country in the Canadian military and otherwise we thank you very much, and for your experience we acknowledge that and appreciate your thoughts as you came before us today.
Thank you very much.

MR. MAHE: Thank you very much. Have a good day, all of you.

MR. CHAIRMAN: Bob Cheshire.

MR. CHESHIRE: Thank you, Mr. Chairman, task force members. Today I want to speak briefly about my deep feelings for Canada in the first half of my life. Secondly, I want to just briefly go into my disappointments with Canada in the last half of my life and try and look at what happened and then my hopes for a future Canada. I will have a last-resort position, because I think in Canada today we may be faced with that last resort.

My wife, Ruby, and myself are both seniors. We were born in Canada. Both sets of parents came from somewhere else in the world. Where is unimportant, because those parents, all four of them, came to Canada because it was no good back home. They wanted to build a new life here and raise their families in a good country, and they did. These things were accomplished. We grew up during the 1930s. The thing that both our parents can be remembered for: they really wanted us to be proud of Canada and to be good strong Canadians.

I finished my growing-up years during the Second World War. In the last year of that war I joined our services, and I didn't even need any training. I was that strong a Canadian. I would have fought anybody, anywhere, anytime for what we have here in Canada. I was 16 years old.

Ruby and I met in 1947 and were married in 1949. One year later the Korean war broke out. I remember the morning well when Canada over the airwaves asked for specifically veterans to re-enlist so that they could send them overseas quickly to serve Canada during that war. I joined that day. I returned wounded from that war after two years.

Ruby and I took up our married life and did many, many things to make a living. Of course, at that time there were no social programs to speak of. We raised three sons over our lifetime, all doing very well. They're in their 30s today. During some of that time we were farming, for some 30 years. For over 20 years of this I served on county councils, hospital boards, school boards. While I was doing this, my wife took care of the farm.

Now, what happened? I think somewhere in the 1960s we took a bad turn. We always had problems in Canada. They were understandable, because we're 4,000 miles wide and there's no doubt that any country in the world has great regional differences if they're that large. We don't all have the same wishes, needs. It's bound to be different from area to area. Sometime during the '60s someone thought we'd better get our Constitution back. They found it over in England in the dust. It seems to me about that time, when we repatriated it, we all wanted bills of rights. We got them at every level of government, maybe in too much of a hurry: things that we did not include in them and things that perhaps we put in there that were too many rights.

About this time politicians started to put in pension plans. Two terms and you had your pension. Well, then greed took over and things of that nature. You know, why not stay here for those full two terms? Don't get knocked out in the first one. They would promise everything, and they will promise anything today to anybody to make those two terms. After the two terms are up, they'll do the same thing: promise everything to everybody so that they can increase that pension as time goes on. I believe political life in Canada should be something you want to do to serve this country. Of course you need remuneration, but it's certainly not a profession that should be pensioned.

The French issue got involved in this very strongly. It's always been there, but it came really forward since the '60s and bilingualism. All provinces in Canada should be the same. Multiculturalism was only a method where these politicians sought to divert our attention from bilingualism and the French issue. Any time you say that this group of people because their culture is different than this group of people – you've got problems started. They look at each other. We had multiculturalism long before that time. As I grew up, if I wanted some other culture, I merely had to drive to the next town, or my parents would take me and we got the other culture. But we were all Canadians.

2:05

Then we've gone on to grants and social programs in this country, and we serve everybody and look after them. Oh, there are some that fall through the cracks, but we basically have some kind of care for everybody from the cradle to the grave. Again, we've made all people greedy. We've taken responsibilities away from our people, the responsibilities to look after themselves, to raise their families, and to look after themselves as they're seniors. I never thought we could do it, but we did: we spoiled the seniors too.

Now, what kind of Canada would I like to see? I've explained that we're so broad that we cannot possibly all get along in every area, and we all have differences. So we must have a confederation of regions of some type. I'm not a member of that party, I've never been to their meetings, but I do feel that the regions of this country are a more logical place to have that second stage of government than our provinces. Our provinces were set up in this nation because of meridians and various topography, not because of any regional need or difference. So it's time we relooked this thing over and said, "This region is different and has special needs." We'd get along together much better. In my example, I would possibly see the eastern maritimes as one region. Quebec, of course. I appreciate Quebec. We've been there on occasion, and I really enjoy the culture of Quebec. In fact, I'm proud as a Canadian to have old Quebec City, the only place on this continent – and we've been to all of them – where you can say they have preserved something the way it was. It's great. Ontario would be another region because of its large industrial, financial base. Then there'd be the prairies; they have similarities. I'm not sure whether British Columbia would be in that region or whether they would prefer another of their own. Then there are our Northwest Territories and the Yukon. They should become a territory and have their government.

These regions would have to be set up on some sort of plebiscite basis of the people. It would mean a lot of work, a lot of study, a lot of information going out and coming back, but it would have to end up with a plebiscite of the people of those regions to choose this and choose the place they want to be in. Of course, then the majority must rule.

These regions would have one Legislature. The provinces would no longer be here. The federal government, to me, would be pared right down. There would be one House of Commons. I would prefer if there were no Senate at all, but if we had to have a Senate, then of course a triple E. The federal level would care only for national issues, things like defence, currency, and foreign affairs. French and English would be the official languages at the federal level, but with no discrimination, by amount of wages or any other way, of an individual working with that government or at that level who only spoke the one. The regions would then choose their official languages, either English or French or both. I would want no trade barriers between our provinces. All Canadians would be able to move from region to region as freely as they move from town to town. They would be able to open a business. They would be able to farm in any of them or own farmland, and we can't today. Anything. You would be a Canadian. You would move as you wish, region to region.

I believe all taxation should be at one level, and that would be the regional level. And I mean all taxation; there would be no other taxes allowed. This taxation, whether an income tax, a sales tax, or whatever, would be one taxation. From there it would be shared upwards and downwards to the local government. No deficit budgets would be allowed at any level, and I mean legislated or into the Constitution if necessary. There would, of course, be time required to have this happen.

All terms of office, I feel, should be four years. I believe we should be able to vote for our Prime Minister of Canada and our Premiers as individuals. I realize this would do away with part of the party opposition systems we have. A Prime Minister, for instance, would have to operate for four years even though he may not have the full seats in the House of Commons.

I don't believe that Canada needs royalty. When I say this, there is no reason why we cannot welcome and receive the royal family in Canada the way they just did in the United States, but it has been a thorn in the side of Canada, and I believe it should be removed.

I have a last resort position, and it is only there if in 1992 what we all fear happens, Quebec separates from this country. Let's all do our utmost to see that that does not happen, but if it does, then we must form a western Canada.

In closing, I want to say that I am not a member of any political party in Canada. I have voted for every political party that's been in my area over the years I've been eligible to vote, except one, and that's the Communist Party.

I thank you, Mr. Chairman and task force members.

MR. CHAIRMAN: Thank you, Mr. Cheshire, for your comments. You are obviously very concerned as a Canadian.

I just want to comment on your service as a member of the Canadian forces in Korea. Your member of the Legislature here shares that same distinction, as I recall. I was in Korea several times, but on one occasion attended the Canadian memorial at Kapýong, which of course was the site of a famous battle with the Princess Patricia's Canadian Light Infantry. Just a little anecdote really: the wreath-laying there, which I performed, brought out quite a large crowd of Koreans to observe that particular ceremony. In speaking to members of the crowd afterwards, several of them said to me, mostly through interpreters, that they didn't know much about Canada but everything they did know was that it one of the finest countries in the world, and they were extremely grateful for the fact that people would come from Canada to defend them. It is something I have never forgotten. I thought I'd just pass that on to you as a Korean veteran. You have not been forgotten for the service you performed in that country.

Now other members of the panel would like to ask you some questions, I'm sure. Jack, Bob, Yolande, Gary.

2:15

MR. ADY: Thank you, Mr. Cheshire, for obviously an in-depth, well-thought-out presentation of your position on what you would hope Canada to achieve. Some of the things you would like to see happen in Canada I suppose are not too different from what's developing in the European Economic Community. They're really heading towards that community of regions there. I suppose we have to wait to see how successful that is, but certainly they are emerging as a very powerful economic bloc and probably a very viable social bloc.

One of the things I'd like to ask you to see if you've considered this: in the event we were to move to a community of regions or a country of regions, I suspect people outside Canada would view that as the breakup of Canada. Today just federally we owe something in excess of $400 billion – well, about $400 billion – to someone else, some being Canadians, some outside of Canada, and because we only have 26 million people in our country, we rely on outside investment to quite a degree. Do you see a lot of concern by the people owed from outside Canada and those who might consider investing in Canada if we moved in the direction you're advocating? They might feel that we're bankrupt and we're breaking up and our survival as a country is in jeopardy. What are your views on that?

MR. CHESHIRE: Yes, certainly during the first periods of this transition there would be concern by investors at all levels, both within and outside Canada. However, what I am speaking of would take a considerable number of years to do, and with the view that we do have areas of the world that are forming trading blocs and associations and other countries – for instance, Russia – perhaps will be going in a similar direction, I believe given the time it would take, there would be enough understanding that it would not be a serious problem. The greatest problem, of course, would be our large neighbour to the south, the United States, which does get very nervous if something happens to a close, neighbouring country, especially Canada. But there again, I believe they are a forward-looking nation. They've had the ability to adjust and change with the times like no other, and I think over time, the time that would be required to do this transition, even they would have no problem with it.

MR. ADY: I just have one other question. I think we're all aware of the sort of fast track Quebec is presently on with taking positions and referendums to declare whether they will move towards a sovereignty association or a sovereign country. How would you see us holding Quebec within Canada long enough to have the length of time you speak of to carry this out? Would you try to get them to negotiate staying in Canada while this comes into place over a 10-year period? What would you really expect to do to keep them from rushing headlong into some circumstance other than what we presently have with them?

MR. CHESHIRE: I think some of the things Quebec has as problems are perhaps partially answered in what I presented, whereby their region could have both languages if they chose or one. I believe they would not need that clause that was so hard to get around during the Meech Lake accord where they were a distinct society, because they could develop their society into whatever they really wish to without saying the word. So I believe they could be talked into a time period instead of this aiming at 1992. Maybe we could get them into a time period of a number of years, and the longer the better, where we are willing to discuss something new that perhaps will suit Quebec and ourselves.

MR. ADY: Thank you.

MR. CHAIRMAN: Bob Hawkesworth.

MR. HAWKESWORTH: Thank you, Mr. Chairman, and thank you, Mr. Cheshire, for a thoughtful and thought-provoking presentation this afternoon. You outlined a number of components to a new Canada. I'm just wondering if as a result of the discussions, negotiations that take place over the next year or so, the one component you talked about, that being a fairly significant decentralization of power to the provinces, not to the regions, were to occur, would you still feel the same way you do about that? You spoke fairly strongly about the importance of giving significant powers to these regions. If as a result of the negotiations we don't end up with regions but maintain provinces, how would you feel in that situation about this fairly significant decentralization of power from the federal government to the provincial level of government?

MR. CHESHIRE: No, I don't believe we could have a successful system as I described by maintaining all the provinces that are here today. Again, it's because of the regional differences several of them have. The way the provinces are cut up, some of their provincial lines cross these regional differences and some of them don't go far enough. I believe the basis for this theory I've put forward – and I know a lot of other people that support it – is because it's of a region. You must look at a region, and you must get that region in the form of people who have similar needs and aspirations.

When I said taking all the power away from Ottawa, perhaps I didn't go quite deeply enough into it. I do believe that besides the three or four things that I consider national and that they should be looking after, between the federal government and the regions or a number of the regions or even in certain cases one region, there could be areas of responsibility given or agreed to with the federal government that would go to them.

MR. HAWKESWORTH: Could I just ask one more question? You've tried to think the unthinkable or what we're hoping is the avoidable, and that's the separation of Quebec. But in the event that it does separate, you spoke about a sort of independent western Canada. Do you feel there's some distinctiveness about us in the west as western Canadians that would justify us remaining independent, or would you see the most viable long-term option for western Canada to unite with the United States?

MR. CHESHIRE: Oh, no. I don't think we need to unite with the United States. Western Canada would certainly, in my opinion, be a viable country, and I don't think it would have as many differences as, say, eastern Canada if it were a country, because I believe they have more regional differences amongst themselves than we out west have amongst ourselves.

MR. HAWKESWORTH: Okay. Thank you very much.

MR. CHAIRMAN: Thank you very much.
Yes, Yolande, and then Gary Severtson.

MRS. GAGNON: Thank you very much. You've given us a lot of food for thought. I could probably ask about 20 questions, but I'm limited to two. I'd like to say, Mr. Chairman, that we've heard three great patriots this afternoon, and I think we're all appreciative of that.

My first question would deal with your ideas about one level of taxation and only one and then the money going up and down. Would this include property tax, business tax, every kind of tax in existence, and how could you see that region knowing enough about other levels like school boards and so on and then upwards to decide what is a proper level of taxation? You would see, I'm sure, one region then being much richer than another region. Have you thought of that, how this would work?

2:25

MR. CHESHIRE: Well, I think this is a method of equaling out perhaps, or maybe into this taxation system the transfer of payments would become unnecessary. When you say property taxes, I never really felt that property was a fair taxation method to base very much on. I think the ability to pay has to be a heavy part of the thought in taxation.

MRS. GAGNON: It would be income based then?

MR. CHESHIRE: Income based and maybe partly sales based, but try and get it right down to one. We would have to figure out the one that is the most equal to all. I'm afraid I have to favour the income base.

MRS. GAGNON: Okay. The second thing you mentioned: that you'd just as soon get rid of the Senate, but if we are going to have one, it should be by region. I guess if you talk triple E, the equal part you mean by region, not by province.

MR. CHESHIRE: Yes. Again, it would be by region. Now, when I talk of eliminating the Senate, if my whole proposal were there, it would be where the federal government was pared down so that all we would need is the one House of Commons and, yes, regional level for the triple E Senate.

MRS. GAGNON: Thank you.

MR. CHAIRMAN: Gary Severtson.

MR. SEVERTSON: Yes, Mr. Chairman. If we went with your idea on regional confederations and had four or five regions, depending on what B.C. did, would you say they'd be all equal and with the same rights, the same number of Members of Parliament?

MR. CHESHIRE: No. I don't believe at the federal government it would be possible to have the same number. I do believe that by breaking it into five or six regions we would be a lot closer in population each, except perhaps that one up north, the Northwest Territories and the Yukon. We would be much closer together in the number of people per region, so that alone would equalize what we could do at the Ottawa level. No, I don't believe we could hope to have us all equal in number of members, but very close. I don't think it should be straight based on per population. I'll put it that way.

MR. SEVERTSON: Okay. Then on your last point you said western Canada could form a separate country if Quebec left. In the current round of negotiations, can you see that we should give distinct society or something like special powers to Quebec or stand pat where we are now?

MR. CHESHIRE: No, we should not give distinct society or any other special powers to any region or province or area or people of this nation of ours. We went into Confederation all those years ago, and surely after 133 years we don't need those things. I think we have the ability to develop these special societies or whatever without bothering one another and without enshrining it somewhere so it's an irritating point with all the other areas. No.

MR. SEVERTSON: Thank you.

MR. CHAIRMAN: Fred Bradley.

MR. BRADLEY: Thank you, Mr. Chairman. I certainly enjoyed your presentation. I believe you took a lot of time to think out your positions, and I'd like to ask you a couple of questions.

If we did not form the regional system which you've suggested and we were left with our current system of provinces and a federal government, do you believe that in terms of language policy that would be best left to the provinces as a responsibility?

MR. CHESHIRE: I think at the federal level it's fine; it should be the two languages. But at the provincial level it has to be left with the provinces, unless you want utter chaos. Because, you know, there are people that are very upset over this, great numbers of them. We've come to the point we are today with them upset. Just try and change that to make one or the other or both compulsory in the province straight across and we really will be breaking up.

MR. BRADLEY: Okay. I have a second question for you. You suggested that the Premier of a province or the Prime Minister should be elected by direct vote of the population. Are you moving away, then, from our current legislative system of the executive branch and the legislative branch together and splitting that, similar to what the United States system is?

MR. CHESHIRE: Yes. That is the portion where I prefer the American system. I believe in having our top people elected by the people. I find our form of government is too argumentative: opposition is supposed to be an opposition and it doesn't matter what the other side says, oppose it; then the government rams through whatever they say because they've got the votes, they pull the string, you know, and the arms go up. I don't like that system. I think the Members of Parliament or members in the Legislature should have some freedom to do what the people back home sent them there for. That is a very important point I believe we must change.

I also believe we need, again as the Americans have, no more than two terms for that Prime Minister or Premier.

MR. CHAIRMAN: Thank you very much, Mr. Cheshire. I want to just ask you a question about something you didn't refer to but we've been hearing a great deal about. You didn't mention it in your presentation, and if you don't feel comfortable about answering it, don't do so. That is the request by aboriginal groups that there be some form of sovereignty or self-government for aboriginal nations within Canada. Have you thought about that very much? If so, could you tell us what your views on that would be?

MR. CHESHIRE: My view on that is no. I'll be frank. Until about 1960 we were getting along fairly well with the aboriginal people of this country. Somewhere along the way in that multicultural thing and everything else, they got dragged into it and started to take a stand. I believe the Indian and Eskimo people of this country were only the first immigrants to Canada; that's all. They weren't the second or the third or the fourth or the fifth, but I believe they have no greater base than the last person who became a Canadian citizen as an immigrant. Total equality. When you really look at it, I'm a native. I'm not an Indian or an Eskimo or an Inuit, but I'm a native Canadian, and I believe no one should have any rights above another.

MR. CHAIRMAN: Okay. Another area which we heard a bit about last week – and you mentioned at the outset of your comments that you've had municipal government experience – we've had some suggestions that municipal governments should also be given constitutional status within the Constitution, not necessarily equal to the federal or provincial governments. How would you feel about putting in special parts of the Constitution to deal with municipal governments, or should it be left to the provinces or regions to set up municipal governments?

MR. CHESHIRE: In the times that I served on municipal council we had our problems with the provincial government.

MR. CHAIRMAN: It's still happening.

MR. CHESHIRE: Yeah. But they were surmountable, and both sides had their points. I don't think we've fared that badly. I don't believe we want to clutter up our Constitution any more than is absolutely essential. The document becomes too long, too complicated. Then it's no good for anything.

MR. CHAIRMAN: Well, thank you very much for your presentation today. As Mr. Hawkesworth said, you're obviously a patriot. We've heard strong views and, I think it's fair to say, somewhat different perspectives from people who presented today, but that's what we're here to listen to. Thank you very much to you and your wife, Ruby, who told me she likes to sit in the back row rather than come to the front of the church. I thank you very much for coming forward today.

2:35

Just before you leave, I wanted to say that while this is the last formal presentation, if there's anyone else in the audience who would like to come forward now and give us some comments, I'd be happy to hear from you. I see a lady coming forward. I hope that's for the purpose of saying a few words.

MRS. SLOAN: It is indeed, Mr. Chairman.

MR. CHAIRMAN: Thank you very much.

UNIDENTIFIED SPEAKER: Might we have five minutes?

MR. CHAIRMAN: Oh, coffee break. Do you mind if we take a little coffee break? All right. Let's do that right now, and then we'll get going.

[The committee adjourned from 2:36 p.m. to 2:45 p.m.]

MR. CHAIRMAN: Ladies and gentlemen, I'd like to reconvene the meeting, if you would, please. I'd ask that my colleagues join me at the table again and that those of you who are in the audience resume your seats.

I'd like to now call on Jean Sloan who's come forward with her presentation. Before she commences her presentation, I'd remind you that if you wish to come forward at the end of this presentation to make your views known either in written form or just verbally – just give us your thoughts – we'd be pleased to hear from anyone else in the audience today.

Jean.

MRS. SLOAN: Thank you, Mr. Chairman and members of the panel. Incidentally, thank you for the opportunity to have the chance to give our opinion, something that we thought we might never, ever do.

Anyway, to start, I've got mine in point form. First is bilingualism, biculturalism. This process is not working and neither is multiculturalism. Perhaps it would be better to scrap both and leave it to families to retain their own culture in their own way. The whole process cannot be legislated, and all it does is create controversy and ill will. Respect for minorities must be taught at home, and it is their responsibility.

Pension plans. All pension plans should be portable so that the change in employment does not result in loss of benefits. This could be accomplished by integrating them with the Canada pension plan.

Taxation. Municipal taxes are easy to understand as they're based on property and can stand much as they are. However, income taxes are much more complicated and must be revamped. There must be equal taxation for all according to income. The legislation for large corporations is much too vague, and there are too many loopholes to help them avoid taxation.

Tax incentives. There must be an end to tax incentives to entice corporations into the country. When they get these massive tax breaks, the small amount of employment they provide is not enough to justify the preferential treatment they receive, and it's much too expensive for the rest of Canada to carry.

Governmental reform. One, there must be an end to the use of closure to get unpopular legislation through the House. Two, members must be allowed to vote their conscience without bringing down the government on any one Bill. Three, orders in council must be severely curtailed. We have gone into war that way, and it's not in the best interests of Canada. Four, I do not normally agree with government by referenda. However, there are some instances when it's necessary. Five, a constituent assembly to replace the Senate would go a long way to resolving our present dilemma. Six, both territories must have provincial status. Seven, we need a strong federal government so further powers to the individual provinces would not be acceptable. We do not want Canada balkanized. MPs must adhere to a rigid code of ethics to remove the appearance of conflict of interest. Parliament must be recalled for major decisions affecting the whole of Canada. Patronage appointments must cease, and people must be appointed on merit regardless of party affiliations.

The minimum wage: there must be a more realistic minimum wage under federal jurisdiction for all provinces.

Education. Education standards must be universal, with a Canadawide examination policy to ensure these higher standards. Education must be portable so that any student will have no difficulty moving from province to province at the same level. We must have a Crown corporation school book publishing form. All school books must have a high degree of local content.

Interprovincial trade barriers: there must be free trade between provinces.

The environment. There must be strong new legislation to protect the environment on all fronts. There must be an environmental enforcement agency with the powers of closure to ensure polluting industries, municipalities, or individuals obey these new laws. Hazardous materials must be disposed of adequately. Polluters must pay for the cleanup. Nuclear power must be phased out until such time as the waste they produce can be utilized or disposed of without danger to future generations. Any development must be subject to environmental impact studies and may not proceed until this is done. Research and development into alternative methods of energy production must be started immediately.

Crown corporations must not be sold to private enterprise when they provide necessary goods or employment.

Immigration: immigration procedures must be speeded up to process the people who have been waiting for their status to be defined.

The judiciary: judges must not be appointed to the Supreme Court to reward party faithful but only on merit.

Free trade. Free trade agreements – that includes, of course, the Mexican one which we're faced with – must be rescinded as they only allow corporations to withdraw their manufacturing or processing plants to lower wage areas. Canada would be better served if we helped other countries to raise their own wage scale. Our marketing boards must be protected as they are the only fair way to serve our producers. Rail line abandonment does not make the best use of our finite resources, and rail transport is a much more cost-efficient way to ship goods.

Defence. We need sufficient protection for our coastline and to ensure our sovereignty in the north. We must have our own icebreaker to remove our dependency on another country. NORAD and NATO are outmoded and no longer should be a priority. There is no way we want to be embroiled in the internal struggles of other countries. Canada must walk its own path without being coerced into support of another country's motives that are suspect. We must regain our reputation as a peacekeeper for war only causes problems for defenceless people. Our membership in the Organization of American States does not mean we slavishly endorse all U.S. activity in the western hemisphere.

The prison system. All female prisoners must be housed as closely as possible to their own area. Prison farms must be reinstated; providing their own food is a far superior therapy to doing nothing. Prisoners must be able to receive any training they desire to reduce the alternative of returning to crime when they're unable to get employment.

The Charter of Rights and Freedoms must be changed to allow necessary questions regarding ability to accomplish certain tasks and to allow work therapy for prisoners at minimum wage.

Quebec must be an equal partner in Confederation without infringing on the rights of other provinces. Quebec must not be allowed to separate with the idea of retaining our monetary policies or currency. Every effort must be made to keep Quebec in Canada without eroding the strength of the federal government.

Aboriginal rights. Land claims must be settled immediately. Education must be within the national standard under their own control. They must be allowed to earn their own livelihood on their own land to remove the stigma of existence on public assistance. Aboriginal people must have access to assistance to establish their own internal structure. They must hire and control their own police forces with access to the RCMP when needed. Aboriginal people must have full equality with all other Canadians. Aboriginal peoples must have full control of their internal affairs to make their own laws and set their own standards within provincial jurisdiction.

I regret, Mr. Chairman, that I did not address social problems, especially medicare, women's rights – which, of course, was part of the reason the Meech Lake accord crapped out – and transfer payments or the organic effort that we need to keep our planet so we can still use it.

Anyway, I thank you, Mr. Chairman.

MR. CHAIRMAN: Thank you. I'm sure there'll be a number of questions.
Pam Barrett.

MS BARRETT: Thanks. The first one is rhetorical and that is: is there an area of public policy that you're not either interested in or informed about?

MRS. SLOAN: Well, interested in anyway. Thank you.

MS BARRETT: Oh, I'd suggest informed as well. Actually the questions I want to ask you relate to pension portability. This is of personal interest to me. I'm not sure it's one that would go into the Constitution. I'm an economist by trade, and believe it or not, that leaves you with a lot of shortcomings because I'm not an actuary, but the subject has been of immense interest to me for a million years. I want to ask you if you've talked to people about this and can articulate a formula whereby you can roll pension contributions into an agency that can invest the money sufficiently well to get a good enough return on it beyond that which, say, Canada pension plan could do, so that you could satisfy both the employer's contributions and the employee's contributions?

2:55

MRS. SLOAN: Well, when you speak about investment, I would think the only place that the money could be invested logically, if it's handled, as I say, attached to the Canada pension, would be something like federal treasury bills.

MS BARRETT: Do you think that there would be much resistance either from the employer's side or the employee's side to any type of system that would grant this portability?

MRS. SLOAN: I think not. It's like everything else, you know. They say sex the first time is rather difficult, but you get used to it.

MS BARRETT: Thanks. I may have some more questions afterwards. Not wanting to get into the next subject, you see.

MR. CHAIRMAN: That's known as dodging the bullet.
Yolande.

MRS. GAGNON: Thank you very much. Item 17, Quebec, you say that, "Every effort must be made to keep Quebec in Canada without eroding the strength of the federal government" and then that they "must be an equal partner in Confederation without infringing on the rights of other provinces." I guess we all know the situation there changes day to day to day, and it looks now as if the separatists are less popular than they were even a month ago and so on. So it's still a moving thing that's changing all the time, but let's say they were to get distinct status at least in the preamble of a constitutional document or something, just to recognize that they are different in some ways. Would you say that infringes on the rights of other provinces? That term "without infringing on the rights of other provinces," I'd like an explanation of. How do they infringe on our rights?

MRS. SLOAN: Well, I guess I look at it sort of through the back door. When the agreement was not really agreed to, there were 44 points, I believe, that were given to Quebec according to Dalton Camp in the last issue of *Saturday Night Magazine*. None of the other provinces have those privileges, and I don't think they particularly need them. When I think of when we invited Newfoundland to become part of Confederation, we promised them the moon, but we didn't give them anything. When I talk about infringing on the rights of other provinces . . . I don't know. You see, what are those 44 points? I don't know what they are. I see them mentioned, but I don't know exactly what they are. Do you?

MRS. GAGNON: They're in the income tax system, I guess. It was the way in which taxes were shared.

MRS. SLOAN: And they have their own pension plan.

MRS. GAGNON: Yeah.

MRS. SLOAN: But what else? That's not 44. Does anybody know?

MR. CHAIRMAN: There are a vast number of things in the current Constitution about education, educational rights, and so on, but in any event . . .

MRS. GAGNON: But anyway, let's say they got more points. I think each province has 100 points in the income tax system, right? I read the article, too, but you know, I'm not that clear. They got some of them; others maybe didn't ask for them or didn't want them, I don't know. Regardless, how does that infringe on the rest of us?

MRS. SLOAN: Well, I guess it doesn't, if I understand what the points are. When I don't know . . .

MRS. GAGNON: There needs to be clarification.

MRS. SLOAN: Yeah; it's called covering all bases.

MRS. GAGNON: Okay. My second question, just quickly, would deal with the fact about all schoolbooks needing a higher degree of local content. Would you agree also that they need more historical content, because we don't know our story?

MRS. SLOAN: That's exactly what I'm talking about.

MRS. GAGNON: You mean history not just regional.

MRS. SLOAN: Not localized but certainly with that local component in them. They have to be geared to the area that they're for, but they've got to be Canadian books.

MRS. GAGNON: Okay. Thank you.

MR. CHAIRMAN: Ken Rostad.

MR. ROSTAD: Thank you, Mr. Chairman. On your point five you say that no further powers should go to the individual provinces. What would you do with the split jurisdiction, or do you have an opinion? What would you do with the powers that are joint; such as agriculture and environment, which are not provincial and not federal? Do you have a position on whether one of them should be federal or provincial, or do you think it's fine the way they are?

MRS. SLOAN: There has to be a joint deal, because the federal government is too far away on things, as you mentioned, like agriculture and the environment. There has to be a local – in fact, it has to be even brought down to the municipal area, because we have to have involvement of all the people. This is the one thing we haven't had to date. I'm afraid that if you give any further federal rights to the provinces, all of a sudden we've got an emasculated federal government, and on the world stage how can we act then?

MR. ROSTAD: Okay; so you don't want any more transferred, but on joint ones you think it should be closest to the local.

MRS. SLOAN: Oh, yeah, absolutely.

MR. ROSTAD: Thank you.

MRS. SLOAN: We need more responsibility, and that goes from the grass roots up, because nobody's been accepting responsibility. We pass the buck.

MR. CHAIRMAN: Jack Ady.

MR. ADY: Thank you. My question moves to your item 4, tax incentives. I know that there's been an arm wrestle across Canada to attract foreign capital into various provinces. What you're advocating is that under the Constitution this would be illegal to do that by any province, any municipality. No one could offer any kind of tax incentive to attract business or investment.

MRS. SLOAN: That's right.

MR. ADY: Okay; I just wanted to be clear on that.

MRS. SLOAN: If I may answer that a little more, Jack. When you offer it, then it becomes a regional thing. It's like a hockey game: it's my side against your side. If you do away with it completely, then no one has it, and everybody's on an equal footing. If people want to indulge in our resource extraction, because that's mostly what we are, if they want to profit by that, then I suggest they pay through the nose.

MR. ADY: Well, it's sort of the reverse of what's happening in the trade war on cereal grains today.

The next question I had is: the constituent assembly that you advocate to replace the Senate, how would you see them being put in place? What would be the process? Would you see them elected, or how many would there be from a province?

MRS. SLOAN: "Constituent" does mean elected; does it not?

MR. ADY: Well, I more or less saw it as coming from a constituency, an area, but if you see it as an elected person, then that was my question.

If I could just squeeze in one more question. Over on item 9, any developments to "be subject to environmental impact studies and may not proceed until this is done." It would seem to me that you'd have to set some criteria for what falls into that category, or we'd have environmental impact assessments on a new service station and frivolous things. Surely you would see some level set there that wouldn't bring in the whole panel to do a very expensive study.

MRS. SLOAN: I wish I could give you a definite answer to that one, Jack. I've mulled it over in my mind many times. The only trouble is that it's like things that we've done 25 years ago and now we realize they're extremely dangerous; we didn't know it at the time. When I don't know what's going to happen in the future, I left it open-ended strictly for that reason, because I don't really know. I know there has to be some kind of an elasticity in the kind of rules and regulations you have. I would rather err on the side of caution than the other way.

MR. CHAIRMAN: Bob Hawkesworth, please.

MR. HAWKESWORTH: Thank you, Mr. Chairman. We're certainly getting lots of interesting ideas, and you've given us a long list of them this afternoon, Jean. Some have suggested that we can avoid a confrontation or a collision with Quebec if we sort of decentralized a lot of powers to the provincial level of government. I take from your presentation today that you're not advocating a strong decentralization, that you'd like to see quite a strong federal government maintained, in fact, maybe even strengthened. If that's the case, if I'm reading your presentation correctly, do you see any way out of this collision course, or do you see some way for us being able to balance these conflicting pressures and demands within the country? Do you see some way out?

3:05

MRS. SLOAN: Well, referring back to those several articles in the *Saturday Night Magazine*, is it cyclical? I know the Young Turks that are frothing at the bit right now for separatism will grow up and become Conservatives one day too. Maybe we should just do like Solomon: sit back and just take it real cool, and maybe it will go away. What have they got to gain, really, by separating except to say that we're separate? I still don't believe we can possibly allow it to happen, because the maritimes cannot hang out there by themselves.

MR. HAWKESWORTH: Is there some gesture that – maybe it's not even required or something even symbolic – where the rest of Canada says to Quebec, "We really do want you to remain a part of what we have here." Maybe you're saying that that's not required, that the country's worked well and let's sort of focus on the positives about how well the country's worked.

MRS. SLOAN: Well, when they get 25 percent of the transfer payments because it's on a nose-count basis, how the blazes can they afford to get along without us, and how can we afford to get along without them? As far as I'm concerned, it's just an economic equation, and the whole thing is ridiculous to even consider.

MR. HAWKESWORTH: Thank you.

MR. CHAIRMAN: Fred Bradley.

MR. BRADLEY: Thank you, Mr. Chairman. I appreciated your position, and obviously you've taken a lot of time to go through and develop the thoughts that you have. I had one question in the area of education and setting of national standards. In your . . .

MRS. SLOAN: Scary, isn't it?

MR. BRADLEY: Well, in your presentation I just wanted to get some clarification. Do you see this as transferring the current education responsibility from the provinces to the federal government? Is that the theme, or are you looking at a mechanism whereby provinces would negotiate amongst themselves to set some standards?

MRS. SLOAN: I think we have input from all of the provinces, but I think it has to be a federal situation, because we've got to the stage now . . . Once upon a time Saskatchewan had the highest educational standards in Canada, and they've slipped alarmingly in the last while. I've watched this happen. If we have a standard and if we have the national examination, I think we can catch ourselves before we degenerate any more, because we've got illiterate people – I know; I'm the chairman of Learn and have been for the last 10 years – and we have people who are slipping through the cracks. Their education system is not available to all. It's supposed to be but it's not. Therefore, maybe if it's on a national scale with input locally, it will . . . I don't know. I'm just hoping, I guess, Fred.

MR. BRADLEY: Okay. Well, just a follow-up on that. The federal government currently has the responsibility for education of our native people, and some people would suggest that that hasn't been entirely successful, with them having that jurisdiction there right now. Alberta has got some pretty high standards, I believe, in terms of education. We have the highest percentage of our population with university degrees. Would you support this movement to transfer this education responsibility to the federal government if, in fact, it meant lower standards than what Albertans currently enjoy in terms of education?

MRS. SLOAN: What a horrible thought. No, I certainly couldn't. I don't want lowered standards; I want raised standards. I want education as far as anybody wants to go with it. You know, when we started the medicare situation, part of that theory was that we would be able to help finance a child that wanted to study medicine that couldn't possibly, because of his parents' economic condition, afford to study medicine. Part of what medicare was based on was preventive medicine and that. I want all children in Canada, regardless of race, whether they're immigrants or native, to have the highest degree of education that is humanly possible to have.

MR. BRADLEY: I think we certainly support that direction in terms of all Canadians having as high an education standard as possible, but you know, the other thing one should think about in terms of transferring the responsibility to the federal government is that we believe Alberta does have high standards and we want to bring the rest of the country up to Alberta standards, but does the federal government have the fiscal capacity, in fact, to do that? Currently they seem to be shifting those areas where they have had some responsibility and have initiated programs on a national level which were supposed to be on a 50-50 joint basis. They've been downloading their share of that fiscal responsibility and transferring it to others. I think that's something that has to be thought about in terms of these jurisdictional responsibilities also.

MRS. SLOAN: I don't know. I guess you're talking about when the federal government was supposed to be responsible for aboriginal education, and that has been the biggest farce of all time. In the last little while it's improved considerably, but the physical condition, the education of our local native people, you know, is just appalling up until the last 10 years maybe. You're dead right on that. But I guess – what you would call it, benign neglect, I suppose? I don't know. I guess what I want is more responsibility and more involvement. These hearings have done some of that, and I want it to last. I want people that live in Canada to damn well be responsible for how Canada operates. I'm sick to death of everybody sitting back and saying, "Yes, but they did that to us." Well, so? You voted them in; that's your problem, isn't it? I want responsibility, and I want it from everybody.

MR. CHAIRMAN: Well, Jean, as chairman I sometimes get to ask questions that haven't been asked by others. You've raised some very interesting points here. One was on the subject of bilingualism and so on, and you say it's not working. Do you feel that the answer to that would be to give more responsibility to each province to establish the language policies, and I include in that Quebec?

MRS. SLOAN: I think it almost has to be. When we look at what the legislation has done, it's caused so darned much ill will. It's not that the children aren't profiting; the ones that are in French immersion love it, and it's excellent for them. I wish everybody had seven languages, but I don't think you can legislate it. All it does is make people irritated. What I regret . . . My father was of German extraction, and the fact that he did not see to it that I learned that language I figure was highly remiss.

MR. CHAIRMAN: Okay. The next one relates to your point four, is one of very real concern, and that's the question of tax incentives to entice corporations into the country. Now, I'm not sure whether I'm on the right point here or not, but in the Constitution now there are provisions made that would permit regional development programs whereby certain parts of the country that are not as well developed as others could have programs designed to assist them to upgrade. Newfoundland, Cape Breton, and Nova Scotia, for example.

MRS. SLOAN: Right.

MR. CHAIRMAN: In many discussions I've had with Clyde Wells, the Premier of Newfoundland, he has claimed that while those programs were well intentioned at the outset, they ultimately failed because every other part of Canada, including the prosperous areas, also came to demand the same kind of assistance. Were you talking about that type of program there, or were you talking about something else?

MRS. SLOAN: I was talking about the idea that when this city gets in conflict with North Battleford or somebody else and we offer X company property or tax-free status, whatever, for a certain period of time, then we get to the provinces, and they do the same thing. And we get to the federal government, and they do the same thing to bring them in. I do not think it's legitimate.

MR. CHAIRMAN: Okay. It's pretty complex because you get into that bidding war aspect of things, and I know what that's like. Would you agree that we should maintain the opportunity for the federal government, in consultation with the provinces, to design some programs which would assist regions which are not experiencing economic growth?

3:15

MRS. SLOAN: It's an excellent idea, and it would be wonderful if you didn't have to be a Conservative Party member to benefit from it. I think that always helps such a lot.

MR. CHAIRMAN: Well, you've just made a little bit of a partisan statement there.

MRS. SLOAN: Right.

MR. CHAIRMAN: But I'm talking about programs that have gone back over decades, both federal and Liberal administrations at the federal level, about the subject of trying to develop regional development programs. I've specifically mentioned Newfoundland, Cape Breton in Nova Scotia, and those programs were brought in by Liberal and/or Conservative parties. That's quite a different thing than the point you just made.

MRS. SLOAN: I know that I've heard about these regional development things, especially as you mentioned in the maritimes, and I have yet to see a report on any of them. I guess it was the fishing industry and the mining industry, perhaps, that benefited. I don't know. As I say, the only Newfoundlander I ever got the chance to talk at any great length was Des Walsh, and he was so rabidly anti-Canada that we almost had to keep him under control, I'll tell you, because of the promises that were made to Newfoundland that were never carried out. So maybe Cape Breton and Newfoundland and a few other areas did get some types of concessions, but I haven't seen anything personally to show me what they got.

MR. CHAIRMAN: Okay. Well, there are lots of reports on what happened, but as Premier Wells now says, they failed because as soon as they went into effect, Ontario demanded the same type of program, and it just got lost in the . . .

MRS. SLOAN: Yeah. I'm afraid we suffer from opportunism a lot.

MR. CHAIRMAN: Okay. Just one more question that I have, and it's about aboriginal rights. You say aboriginal people must have full equality with other Canadians. Would that include the requirement that they also pay taxes the same way that the rest of Canadians do?

MRS. SLOAN: Why not? If they have their land settled, if they have their own affairs in order, they pay the way we pay.

MR. CHAIRMAN: Okay.

MRS. SLOAN: Let's make them full citizens.

MR. CHAIRMAN: Okay. Thank you very much.

MRS. SLOAN: Thank you.

MR. CHAIRMAN: Is there anyone from the audience who wishes to now come forward and make a verbal presentation? If not, I want to thank those of you who made your presentations today and those of you who came to listen. We are going to adjourn now until this evening, and we reconvene at 7 p.m. I invite those of you who were here to listen to this morning's presentations to come back this evening and look forward to the presentations which we have on our list for this evening.

Thank you very much.

[The committee adjourned at 3:18 p.m.]

7:04 p.m. **Monday, May 27, 1991**

[Chairman: Mr. Horsman]

MR. CHAIRMAN: Good evening, ladies and gentlemen. I'd like to commence this evening's proceedings and welcome those of you who were not here this afternoon. For the benefit of those of you who were not here this afternoon, I'll introduce myself. My name is Jim Horsman, and I am the Member of the Legislative Assembly for Medicine Hat and the chairman of the select committee of the Alberta Legislature which has been established to review constitutional reform. This committee consists of 16 members of the Legislature, representing all political parties in the Legislature, and we've divided our committee into two panels. The panels are traveling about the province independently in order to hear from as many Albertans as possible as to their views on the future of Canada.

I'll ask my colleagues from the Legislature to introduce themselves and start on my far left.

MR. HAWKESWORTH: Thank you. I'm Bob Hawkesworth. I represent the constituency of Calgary-Mountain View.

MRS. GAGNON: I'm Yolande Gagnon. I represent Calgary-McKnight.

MR. ADY: Jack Ady, MLA for Cardston.

MR. BRADLEY: Fred Bradley, MLA for Pincher Creek-Crowsnest.

MR. SEVERTSON: Gary Severtson, MLA for Innisfail.

MS BARRETT: Pam Barrett, MLA for Edmonton-Highlands.

MR. ROSTAD: Ken Rostad, Camrose.

MR. CHAIRMAN: And on my left is Garry Pocock, who is the secretary of the select committee and is an employee of the Department of Federal and Intergovernmental Affairs of the Alberta government.

This afternoon we heard from four presenters. We have this evening six scheduled presentations. At the end of that time, however, if there are people in the audience who wish to come forward and make an oral presentation or a written one, we'd be pleased to hear from anyone, and we will, given reasonable time, hear everybody who wishes to make their views known to us.

We are giving each presenter 15 minutes. There's a timer which we will utilize. At the end of 10 minutes you'll hear a ding, and that will be to alert you that 10 minutes have expired. We will then set it again for another five minutes, and then we'll know that 15 minutes have expired. We are not going to stick hard and fast to that timetable because there are a number of members of the panel who may want to ask questions of people who make presentations, for clarification or matters of interest.

With that I have as the first presenter Gail Perkins. Is Gail Perkins here yet? I understand she might not be. [interjection] There's been a cancellation. Well, that being the case, is Douglas Moeckl here? Would you like to come up and join us at the table? Have I pronounced your name correctly?

MR. MOECKL: Yes, you have, Mr. Horsman. Thank you.

Good evening, Mr. Chairman and members of the committee. First of all, I do apologize for some of the typos that are in the report that I gave you. I haven't availed myself of a computer with a spellcheck yet.

I appear before this committee not just as an interested citizen but as an experienced trade unionist, also as a citizen who has had the good fortune and opportunity to have lived in each regional area of our country with the exception of Quebec. I come before this committee with mixed emotions, happy and optimistic that as a Canadian citizen and now as an Albertan I have the freedom to be able to openly tell my views to a government committee without fear of retaliation. My optimism rests on the fact that as a Canadian citizen my views of our Constitution may count in the future of our great country.

My other emotion is one of pessimism, as you can see by the use of the word "may" in my previous sentence. This pessimism is generated by the apparent total lack of regard that politicians at all levels have had for the opinions of their constituents. Now you as a committee may say, "He is wrong in that regard," based on the very existence on this committee. However, I point out that no matter what final report is produced, it will have the political slant of the dominant, governing party. As well, inasmuch as this committee has been neutered by its lack of a specific authority, any final report will be exactly that: just a report. There are a number of issues which must be addressed, and certainly I cannot touch on all of them in the 15 minutes allotted. I will briefly touch on issues in the order of priority that I do feel qualified to speak on.

Trade unions. The rights of workers historically have been trampled on and continue to be assaulted by the lack of specific provisions in our Constitution. This view is supported by the recent Supreme Court decisions against public-sector unions to have the ability to withdraw their services, the free trade agreement, and the reduction or complete withdrawal of social programs. Human rights are workers' rights. The division or separation of the two must end. This translates into establishing a social charter, much like the one the European Economic Community is implementing.

In Europe constitutional guarantees ensure decent and minimum levels of compensation, living and working standards, and the maintenance of social programs. Also provided is a clause whereby industries cannot bargain down those conditions in any EEC member state. All one has to do is look at the relative peace in the labour/management relations in Europe versus the constant strife in North America to see which works better. This social charter – others have called it a declaration of workers' rights – would secure rights and freedoms in all areas: social, political, personal, legal, and economic. This translates into free collective bargaining, including the right to strike, organize, picket, engage in boycott activities, not limit the use of dues to collective bargaining, equal pay for work of equal value, freedom of movement for work, rest, and leisure, and protection from occupational and environmental hazards.

Aboriginal people. Any Constitution must respect and expand on the historical guarantees given to the aboriginal people of this nation by our forefathers. We are asking other nations to recognize their wrong deeds against Canadians, and we as a nation have acknowledged some of our misdeeds against other ethnic groups during past wars. We even join international boycotts of countries who have poor human rights records, yet we let our governments continue the trampling and mistreatment of the aboriginal peoples across this nation. It must be remembered that it was the white immigrant who brought famine, disease, alcohol, and other indignities upon the aboriginal people and destroyed intricate societies that had existed for centuries before our arrival.

The only way we can correct this wrong is to acknowledge the special role played by these people in the founding of Canada. Our history books must be corrected and tell the complete story of the aboriginal peoples so that our children and future generations will know, understand, and accept these people for who they are. At the same time, meaningful negotiations must start between all aboriginal nations and governments regarding self-government. These negotiations must conclude so as to provide constitutional recognition of treaty and aboriginal rights and a resource land base. These rights must include jurisdiction in such areas as justice, health care, full employment, and education.

Multiculturalism. Collective rights of minorities are one of the basic elements of a democratic society. For too long we have had our thoughts and ideas manipulated by right-wing, reactionary parties and groups, of the role that new Canadians can play in the shaping of our country. While it is important to guarantee the cultural, religious, and linguistic freedoms of new Canadians, it must not be done at the expense of the entire nation. By this I mean we must first be Canadians and, secondly, remember our cultural heritage. A common mistake we make is saying we're something-Canadian rather than just being Canadian. This mistake carries on for third, fourth, fifth, and more generations. If it means the melting pot effect like our southern neighbours, so be it, because to be a strong nation you first must know that you're a strong citizen of our country, with your cultural heritage serving as a reminder of why you and your family came to this great country.

7:14

Even people born in this country like to practise their cultural heritage, and I say that is fine, but do not try and impose that heritage on others. Instead, make every opportunity on a regional basis to learn the ways of other cultures that live in that region. Understand the cultural and religious differences of our neighbours, but do not hold those differences out for recognition and practice by the entire country. Too many wars have been fought and continue to be fought and too many innocent people have died and continue to die around the world due to racial, cultural, or religious radicals that wish to impose personal beliefs on others. Therefore, there must be a form of a multicultural minority human rights section within the Constitution that first promotes national harmony, pride, justice, and allegiance for all Canadians, whether that minority be French-speaking, English-speaking, aboriginal groups, or other distinct cultural minorities.

Divisions of powers. The further division of power must be stopped. In order for Canada to survive as a strong, viable nation we need a strong central government, not 10 or 12 regional states or countries. That central government must have control over such areas as education, resources, environment, agriculture, health, and immigration. Too often we forget the overall good of the nation due to ever increasing protectionism being practised by each province. In order to have a strong central government, the power must come from the bottom up, not the top down. The people should elect their leaders, not the party. The people should elect their representations at both levels of government based on regional divisions such as the west, stretching from B.C. to Manitoba, central, Ontario and Quebec, the east, Maritimes and Newfoundland. The north would be divided up according to the region over which they sit geographically, unless aboriginal negotiations determine otherwise.

This formula would include provincial Legislatures in each region, Parliament, and the Senate with elections alternating every two years, and in no case a government staying in power longer than six years and the leader a maximum of two terms. Such a formula would reduce duplication of and make for more efficient and effective delivery of government service and hopefully end such things as patronage and nepotism. That same formula would not allow for or recognize one region's power over another. Each region would have equal authority and representation. Last but not least, any amending formula of the Constitution would be left with the constituents in the form of a referendum.

In summary, in order for Canada to survive and grow as a proud nation Canadians must accept and install a strong central government that will promote the health and welfare of one nation and one people. This includes an outright campaign of nationalism such as laws about our flag, our national anthem, the teaching of our history and geography in schools, the control of our airwaves, the control of our shorelines, the control of our resources by Canadians and not by wealthy, powerful foreign companies.

Any Constitution must begin with a formula for national unity. It must contain substantive guarantees of workers' rights, collective rights, freedom of association. It must ensure that living standards, benefits, government programs, and working conditions are uniform across the country. Our Constitution, as in any other nation, will be the cornerstone shaped by and for the people's agenda, not by the powerful one-direction-minded corporations. Fair taxation on all persons, companies, state, and church alike must be imposed, shared, and paid for the overall good of the nation. Some may consider this a communist or socialist view. However, I do recognize that social programs cost money, and all those costs must be shared equally. Progressive taxes based on the insurance principle could mean the state involvement eventually ends.

There is a definite need for electoral, Senate, and parliamentary reform as well as controls being put in place up to and including the powers of impeachment of any representative found not to be representing the constituents' majority view on issues important or directly affecting them. The triple E concept – equal, elected, and effective – would work for all levels of government.

Another area that needs to be included is a statement about national defence. Let's get back to the true meaning of those two words. Perhaps look at the Swiss model of a national reserve. This strong national protection group would be used at a time of crisis and to patrol our national waters and air corridors. Our only external involvement would be in the UN at the call of the UN and no other nation.

Finally, the only process for constitutional change is a review process that represents all sides in Parliament, Senate, and provincial Legislatures. It would include specific groups as stakeholders and draws upon the views of experts and ordinary citizens alike, and it would proceed with a definite timetable and be completely open to public scrutiny.

I've certainly not touched upon all the issues. I know there are many more specific topics and issues that a Constitution must address. I can only hope that others with more expertise than I have will address them. Canada has a bright future ahead of it in the next millennium. It will only become the 51st state if we let it happen. Our future as a nation complete with Quebec as an equal and integrated region is ours as a people to determine, not the corporations and certainly not the politicians.

MR. CHAIRMAN: Thank you very much.

Jack Ady, then Pam Barrett.

MR. ADY: Thank you, Mr. Chairman. I just want to be sure that I understood one of your statements. I think I heard you say that you were in favour of the central government taking control of the natural resources of the provinces.

MR. MOECKL: I have, yes.

MR. ADY: That would include the oil and gas resources that Alberta has, and I presume that it would also include things like Hydro-Québec and Ontario Hydro, B.C. Hydro, other resources that other provinces hold. All of the revenue from those, with your proposal, would flow through to the central government for whatever purpose they saw fit.

MR. MOECKL: That is true. The purpose I would hope that it would be intended for is for equal sharing amongst all provinces.

MR. ADY: The other question that I had had to do with the proposal that you alluded to for native self-government. Could you give us some idea of what you really propose for that? Is it something of a municipal type, would they have powers similar to a province, or would they have sovereign power with joint participation by all reservations in Canada?

MR. MOECKL: You could look at it in two forms, Mr. Ady. The first being one of municipal if we left it based on the reserve style that we deal with them now, because their reserves are much like local municipalities. However, from the views that I have heard expressed both publicly and in private discussions with some of our aboriginal people, their destiny wants to be determined on a national basis. That type of self-government must be decided amongst or by themselves and brought forward to the federal powers to help them see their persuasion or their decision.

MR. ADY: If I can just have one supplementary. So you're saying that self-determination should be left solely to the aboriginal people to decide what form of government they want. That would just be something that the federal government of the day would accept, or would it be a negotiated thing?

MR. MOECKL: Well, in this day and age unfortunately it wouldn't be something that would have to be plainly accepted. It would have to be negotiated to fit within the parameters of the Constitution that's going to be described.

MR. CHAIRMAN: Pam Barrett.

MS BARRETT: Thank you, and thank you for a very thorough analysis. I have two questions. One is this concept that you referred to about regions of the country. Now, if I got you right, you were saying that the regions would exist as some sort of block. I'm not sure if you meant that they would have their own parliaments or whatever, yet provincial jurisdictions would still obtain with their Legislatures and the federal government would still obtain with its Parliament. Am I right so far?

7:24

MR. MOECKL: No, you're not.

MS BARRETT: Okay; sorry. Will you explain that to me again, please. Thank you.

MR. MOECKL: Let me explain my view of it. I would see the country being basically re-formed into three regions. They still could be called provinces. We would have to come up with new names for those regions that would be acceptable to the electorate, and we would have one Legislature in each region. This is why I meant that we would end some of the duplication of services, thus reducing many of the costs, because we do have it as a common saying that government costs us a lot.

MS BARRETT: Yeah. No question. It is a problem in a country our size with such a small population.

MR. MOECKL: Those, by the way, I feel are reasonable regions based on the current populations and potential growth of population so that we would have equal representation within the three.

MS BARRETT: I understand now. Okay. I'm going to drop that question because I just had it confused.

You concluded by saying something like: if we take all of the steps above, or some of them, we can prevent us, either Alberta or Canada, from becoming the 51st state of the U.S.A. I'd like to ask you the obverse of that question, that is: what measures would you consider imperiling us to becoming the 51st state?

MR. MOECKL: Well, some of the things . . . The way I understand it, you're asking me what I'm seeing going on now, if it puts us in that direction.

MS BARRETT: Or what measures constitutional or otherwise that you could see that would put us vulnerable to becoming the 51st state, whether they have happened already or could happen in the future?

MR. MOECKL: I don't see something constitutional right at the particular moment. What I do see is the potential for it in such things as the free trade agreement that we are looking at trying to negotiate, with the exposure that we have daily to the American media, the exposure or influx of foreign money, especially American money, back into our country of foreign-owned companies that seem to have direct control, whether intended or not, on the political process within our nation.

We have many U.S.-based multinational corporations that directly provide moneys to all the political parties or various political parties at times of election and up to elections in order to get their particular point in favour of the government. We also have a lot of moneys, for instance, that are given to multinational corporations in this province in order to bring them into doing work that Canadian companies are readily established to do – not branch companies but Canadian companies – if we let them do it. Instead, we seem to move or want to move our money south.

I think I'll use the oil industry as a basis. Millions of dollars, in my view and from what I've been able to ascertain, leave this province yearly to go to companies like Imperial Esso in the states. I would think Canadians have probably paid a major price in helping Esso clean up Alaska. I don't know. Maybe that's our place; we didn't want the oil back on our shores certainly.

MS BARRETT: Right. Thank you very much.

MR. CHAIRMAN: Thank you very much. Okay. I guess we have a couple of more people quickly, Bob Hawkesworth, then Gary Severtson.

MR. HAWKESWORTH: Thank you for your presentation this evening, Mr. Moeckl. I take from what you've said about your background that you've had some experience sitting across the bargaining table working out details of a collective agreement.

MR. MOECKL: That is correct.

MR. HAWKESWORTH: If we were to think of the present negotiations or the impasse or the difference of opinion between Canada and Quebec at the current time as, sort of, negotiations around a new set of agreements, a collective agreement for us to live together, would you have any advice for us about approaching those negotiations in terms of: you have to be willing to bend a little bit in order to get something that you want? Is there something about what you've told us today that you think is really the bottom line, that is simply nothing that should be bargained away? Are there some other areas that you think we could approach the negotiations with as being able to give a little bit in order to satisfy some of . . . Maybe that's not a good analogy.

MR. MOECKL: I would rather leave that question alone for a couple of reasons. One is, as I stated in my presentation, I've never lived in Quebec. I have visited the province a couple of times. I have made efforts in discussing with Francophones that visit our province and when I was in that province what their views were to find out what they were. I don't profess to be an expert enough in the relationship with Quebec other than what I've been exposed to in the media.

MR. CHAIRMAN: Thank you.

MR. SEVERTSON: Mine's along the same type of line. How would you get central Canada, Ontario and Quebec, to negotiate to be equal partners? Ontario and Quebec would be over 50 percent of the population, and you say each region would have the same power. In the same context, Quebec isn't happy now with the imbalance. If you put Ontario and Quebec together, then the French-speaking Francophones would be a minority within that region. I don't know how you would propose that we could even go to the table and try to negotiate something like that.

MR. MOECKL: Well, I think we have to look at the fact that we're not just basing it on population and minority rights in all regions. I mean, if we talk about that, let's talk about the western area. If you look at the two main populations other than English speaking, you have a very large Ukrainian and Germanic population. Are we going to negotiate something separate for them and suddenly recognize them? That is the alternative of your question.

MR. SEVERTSON: Well, we have the two founding nations in Francophone and Anglophone populations. It's now in our Constitution. I was just wondering how you would think that we as an Alberta government or western Canada could negotiate that kind of a deal with Ontario and Quebec.

MR. MOECKL: Well, I think Ontario and Quebec would probably try and use their dominant population to try and put their point forward. I think it would have to be understood for the good of the country that perhaps this is not a good view to take, that they may have to back off. You can always leave a clause. Certainly, as I said, the Constitution is open for amendment at a later date. If I can quote one of our Prime Ministers, when we did have a constitutional agreement in 1982: let's grab it and run when we have it. If we can convince them of the necessity to have equal representation from all sides – I think we can. We just have to show why. Again, I guess I have to use what our country was portrayed as at one time: a cow, the west feeding the central and then the poor people in the east, being at the opposite end of the cow, being continually dumped on.

MR. CHAIRMAN: Thank you very much for your very interesting thoughts and for coming forward. Thank you.

Next Dale Boddy, Wainwright PC Association, and others may wish to join him. I should welcome now the member of the Legislature from Wainwright, Butch Fischer, who is here. Of course, thank you for coming and joining us this evening, Butch. Our host MLA was here a few moments ago. He stepped out. I forgot to introduce him at the outset, but Doug Cherry has been with us for the day.

MR. BODDY: This is actually the Dale and Norm show.

MR. CHAIRMAN: Okay, Dale. And Norm Coleman, welcome.

MR. BODDY: Norm is from Wainwright, and I'm from Provost, so we're kind of representing the different regions in the Wainwright constituency.

Thank you, ladies and gentleman, hon. members. We're pleased to be here. We have a presentation. I'm not sure if it's safe to read it all or just chat.

MR. CHAIRMAN: Well, you have 15 minutes. I would think perhaps if you wanted to just chat and touch on the highlights, then that would give more opportunity for dialogue with members of the committee, but it is up to you.

7:34

MR. BODDY: I also have another little paper that I'd like to distribute after. There's a minority view, and it's mine, on some issues.

I wanted to say that Canadians are fortunate people. We live in a prosperous country. We're warm and well fed. We have rights and privileges, and we get to exercise those privileges by talking about Canada. We want to help Canada succeed. We're looking at the survival of this country, and we think there are some central issues based on that. We think our Constitution needs to help us survive. I don't think the perception out there now is that the Constitution is helping us survive. It's tearing us apart. Maybe this is part of the process, and maybe looking at it is part of what we need to do to solve it. We need to look at what rights we have and also look at the primary right we have to survive. We need to be free, we need to be responsible, and we think there's a balance in there that means we look at individual rights and societal rights.

To look at the Constitution in the matter of French education, it's where numbers warrant, but that's the only place where numbers seem to warrant. We think we have some rights applied and they don't really have anything to do with "warrant." It's frustrating that we deal with language rights or cultural rights when we're worried down in Wainwright constituency: are we going to make it? We're getting rain this year and that's helpful, but we want to make it and be a part of Canada prospering along with the rest of Canada. We think there's a perception that when it's in the Constitution, that's it. We think something should happen where we talk about issues. Government is involved in the matter of protecting minority rights. We're not sure how much involvement or how this regional representation should take effect. We're not sure how minorities should be supported. We're not sure whether the government initiatives need to support them.

We're talking about redistributing power to protect interests. We've talked about a triple E Senate in Alberta. We're talking about getting our rights as a province. We're concerned that we don't always get our rights, but we aren't always so concerned about . . . We're talking about getting and not necessarily about giving. Canadians want a strong federal system, but also we want a strong province and a viable culture. We think action is required.

The Meech Lake agreement looks pretty good right now, but it was flawed. It was flawed because Canadians weren't involved in it. We hope this process gets some involvement. We're not sure about our place. We're not sure how we compete with the Americans. For a number of us just being un-American is good enough. We don't know how we're going to be able to survive. We don't understand parliamentary caucus, and we don't understand party discipline. We don't understand how these things can happen and take place without debate.

That's a pretty general preamble on some issues. But there were some questions that we looked at more specifically. We looked at constitutional questions then. We think the balance of power between the provinces and the nation needs to be looked at. The financial burden of our Constitution is killing us. Canadians are concerned about their government; it's too large. We don't trust our federal government. It's too far removed to manage what we think is important, our debt burden. We think the province is closer to us and can help us manage that. We think power should be decentralized. We want a government that's responsive to our views and our needs. That's a pretty delicate negotiation, because it's going to challenge how we survive as a country.

I'm not sure what being a Canadian is, but one of the things being a Canadian is is talking about fairness. We think it's fair that all the provinces have the same power. Provinces can and should respond with economic, cultural, and language programs to meet their needs. We're interested in immigration. We need immigration to be successful in our province, and we need to have federal interests and provincial interests reconciled.

We recognize that Quebec is different and distinct, but we're not sure what that means nowadays. We don't even know if Quebec being distinct is good enough. We're not sure if being distinct is good enough. What are the other minority groups going to want? What about the aboriginal people? But Quebec is distinct, and we need to talk about it and see how we can solve that. We want something that's acceptable to Quebec and acceptable to the rest of Canada and its minority groups.

Regional representation is really crucial to us. Alberta has pursued a triple E Senate, and we think that's appropriate. We're not sure – if the other measures in the Constitution, when they address regional interests and do some other things – how important a triple E Senate is going to be, but we need to have our views represented. We need a remedy.

We talk about aboriginal self-government. We're not exactly sure what that means, and we think it needs to be defined. We're not exactly sure what a nation is within a nation, and we're not sure that everyone is going to survive with an aboriginal nation and a provincial nation and a Quebec nation. We'd like those differences talked about and resolved.

The relationship between Canadians and our government is really crucial. The use of a referendum is being proposed to change the Constitution. We think referendums have a place, but when a referendum subjugates regional interests for the majority population, we think that's wrong. We see a role for referendums but not as the only way of changing the Constitution. We need some other mechanisms to change our Constitution.

The Charter of Rights and Freedoms is really dear to this debate. What we see is that there are individual rights and societal rights and they're in conflict. Quebec wants out so they can protect their society. We think there are some Albertans who want their rights protected, and we need to look at that. We can only have minority rights when the society is prosperous, and we think our Constitution needs to keep that balance in mind. Our Charter needs to recognize the rights of society. A clear statement that that is a right should be made.

Our courts are a little frustrating – more than a little bit. We don't understand their role. We don't understand how they can rule on constitutional matters with impunity. We don't like their leadership, and we don't get to talk about it because it's entrenched in the Constitution. Canadians need to understand that, and we need to have something that we think depicts our values.

We think that two languages has been a good policy; it reflects the makeup of Canada. But we don't know why two languages and how much. Does the Alberta civil servant need two languages to get a job in the civil service? Do you need to be a bilingual RCMP member to work in Wainwright? We don't think so. We think bilingualism is forced. We think a two-language policy that's encouraged through incentives and applied in a commonsense manner makes sense and would be endorsed.

Our Criminal Code is difficult. We think some matters in the Criminal Code should be under provincial jurisdiction. We're frustrated that the Criminal Code doesn't reflect the views of ordinary Albertans and ordinary Canadians. We think that should be looked at in our Constitution.

In summary, then, I think Canadians are conducting a cost/benefit analysis of membership in a nation. We're concerned, and we're looking at individual and minority rights and debating the burden of these rights, rights which are seen as eroding the viability of our nation. We're emasculated by a Constitution which prevents public leadership and discussion and debate and consensus, and maybe this is part of the process of change. We want Canada to be fair and to work for all Canadians.

We hope this helps in your debate, and thank you for allowing us to continue. Are there some questions?

7:44

MS BARRETT: I'm going to ask a question I've never asked anybody during these hearings yet. It seems to me that a lot of what you're concerned about is either federal government policy or very specifically related to having a Constitution in the first place. If you could go to pre-1982 and had your choice between a Constitution and no Constitution – well, we had a Constitution, but it was very difficult to deal with it at any level because it did not reside here – which would you choose?

MR. BODDY: Norm, maybe you want to try this.

MR. COLEMAN: Well, I think if we're going to have our country work together, there has to be a set of rules to follow. To answer your question, I would have to say there has to be a Constitution. But it seems to me that the Constitution we're working with is outdated, and it hasn't reflected the interests of the regions that were intended in 1867. I think our country has developed past the set of rules that were set out 120 years ago.

MS BARRETT: Do you think that countries like the United Kingdom which don't have a constitution or charter of rights function better as a result of that or equal to or less well than Canada in 1991?

MR. COLEMAN: I guess I would have to answer that they probably function quite well, and they've understood the rules they are using. I would have to say that as Canadians here, we seem to be a little bit confused about the rules we operate under. Until somebody can clarify those things, I can't see that it's going to get much better.

MR. CHAIRMAN: I think it's fair to say that the difference between the United Kingdom and Canada is that one is a unitary state and Canada is a federal state. I don't think there are any federal states in the world that don't have a constitution that sets out the rules as to how the component parts operate between themselves and with the federal government.

MR. BODDY: I look upon Canada as a parliamentary democracy rather than a republican government. I think republican governments have constitutions and not necessarily parliamentary governments such as the United Kingdom. I'm not sure that Scotland, Northern Ireland, Wales, and England are unitary.

MR. CHAIRMAN: Well, there's only one supreme parliament, but let's not get into that.
Any other questions or comments? Yes, Bob Hawkesworth.

MR. HAWKESWORTH: You support both a triple E Senate and decentralizing power somewhat to the provinces, I take it. I'm just wondering if you feel that at some point the central authority or the central government becomes too powerless to function properly. If you have powers going to the province and then the triple E Senate on top of that, it may make it very difficult for a federal government to either achieve consensus or implement policy. Is that a concern to you, or do you feel there's some point at which, you know, we draw the line and say that this is where the federal government's powers ought to remain strong and unifying for the prosperity of the country?

MR. COLEMAN: For sure. In our discussion in Wainwright we actually did discuss that very issue. When we talk about the triple E Senate, it does bring up some concerns, being of course the three E's. We, I think, are of a consensus that the member should be elected. We're a little bit fuzzy on whether or not it's going to be fair or equal and efficient for those reasons. I think those are the kinds of things that with some debate and constitutional thinking we can iron out. Certainly I think we can draw some rules to which the Senate can be functional. If that can't happen, then I would have to say we see no reason for having a Senate.

MR. HAWKESWORTH: Some Albertans have suggested that what would really make the central government much more responsive to regional concerns and others would be to have a form of proportional representation, which in a practical sense might lead us to an almost permanent minority government situation, and that exists in many of the countries in Europe. Did you give any thought to looking at proportional representation as a way of improving or changing the structures of the federal government, as opposed to a triple E Senate? Did you ever discuss the trade-offs between proportional representation as a structural change instead of the triple E Senate?

MR. COLEMAN: Well, we certainly talked about regional representation. If you take into account the prairies, Ontario, Quebec, and the eastern provinces, we certainly discussed the equalities those regions could share. I think certainly we would want the members elected. From that point on, the efficient part of the Senate I think would have to be worked out. You know, questions come up on what powers the Senate's going to have and whether that body can override Parliament and what powers our Prime Minister would have. I think there are a lot of things that can pop into mind, but certainly those things can be worked out.

MR. CHAIRMAN: Thank you.
Yes, Yolande Gagnon. Then I think we'll move on.

MRS. GAGNON: Could I ask first of all: do you represent a federal constituency association or a provincial one?

MR. BODDY: Provincial.

MRS. GAGNON: Provincial; okay. I wanted to ask you: towards the end of your paper in the summary, you say that Canadians are conducting a cost/benefit analysis of membership. I guess you mean citizenship in the nation. Would you at this time, because of deficits and debt and so on, consider that the dollar should be the bottom line and that everything should be viewed according to the dollar or the economic benefit or lack of benefit?

MR. BODDY: I'd like to respond to that. I don't think that citizenship – it's all being part of Canada. I don't think Quebec's looking at a cost/benefit analysis in terms of dollars and cents. I think they're looking to see whether their culture can survive being Canadian.

MRS. GAGNON: Well, I guess I could maybe choose to disagree with you about that, because I've read as lately as this weekend that a lot of people even in Quebec are looking at the economic benefit of separation or remaining. You know, it is becoming more and more important to more and more people. But I was talking about your association. How do you judge matters? I'm not talking about Quebec. For instance, you say that we can't afford the burden of minority rights and so on. So do you judge things according to the bottom line?

7:54

MR. COLEMAN: I think unfortunately that's really what it's come down to at this point in time. Obviously when we see consumers leaving our country to shop in the United States, they're looking at the bottom line. They're not considering the fact that they're Canadians when they leave Canada or Alberta to shop in the U.S. The dollar is very important in their minds, and I think that's something we have to consider. I don't think anybody can argue with minority rights, but there does come a time in someone's mind as to whether we can afford them all.

MR. CHAIRMAN: Thank you very much.

Dale, you said you had a minority point of view to leave with us.

MR. BODDY: Right. Yes, I do. I'm not an effective, efficient, elected Senate person. We've got enough government – too much government. I'm not sure that somebody who's elected by more people is going to want to be anything but effective. Having two Houses of Parliament fight with each other seems to me to be not in Canada's best interests. I think the marketplace should let Canadians decide how they want to be ruled. The marketplace is vote by population and the majority rules, and we try to persuade each other in helping regions. I think Senates entrench regional interests against the interests of the marketplace. That's an unpopular view in Alberta, I guess.

MR. CHAIRMAN: Well, thank you for expressing it anyway. I gather that's your personal view and not that of your constituency association.

MR. BODDY: It certainly is my view and not the PC association.

MR. CHAIRMAN: Okay. Thank you very much.

Yes. Norbert Leidl.

MR. LEIDL: Good evening, ladies and gentlemen. Thank you for the privilege of allowing me to speak to you. These are my personal views. I'm not a member of a party or a constituency association, so what you hear comes straight from the gut. I have a lot of material. I may not get through it but will finish, hopefully, in time.

I feel that Canada as a nation will be reconstituted. There will be changes, but these changes can fall into one of three categories. Category 1 is changing the mechanism or machinery of government. I should like to look at, quickly, the election procedure for Prime Minister and Premiers; a move away from government by adversity; changing roles of the majority, the opposition, and Senate; the Quebec issue; the Charter of Rights; the amending formula; the aboriginal question; the debt; and free trade: all category 1.

In category 2, changing the psyche or the thinking of the nation, I should like to discuss the knowledge base of Canadians, specifically reading and research, travel, and exchange of people and ideas, and most importantly, dispelling two Canadian myths, the myth of bilingualism and the myth of equality. That's category 2.

Category 3: no change in what is essentially written in stone. That includes Canada's physical features and the complexity of our nation.

In category 1, Canada will always have a central government in Ottawa and provincial governments in the capitals patterned after the British tradition and the British common law system more or less. Quebec will retain its unique style and the French Civil Code of law. Whether Yukon territory and the Northwest Territories become provinces has no bearing or is immaterial to the changes that will be made. What will change is the manner in which the Prime Minister and provincial Premiers are elected. What will also change is the role of the party majority and the role of the opposition, and in the case of the federal government, the role of the Senate.

In the case of election procedure, the Prime Minister and Premiers will campaign for these positions per se every four years, and they will be limited to two consecutive four-year terms. This will be a separate election, so all Canadians can vote for Prime Minister and all provincial citizens can vote for their Premiers. In the present system only the citizens of the constituency get to vote for the Prime Minister or Premier, and if the leader loses he can go to a safe riding and get re-elected, as Premier Getty just did in the last election. All the other seats will be elected in the usual manner, and party leaders in the House will be chosen from among those elected. This, I suspect, would be an enormous challenge, because conceivably the Liberal Party leader could become Prime Minister and have to lead a majority of Conservatives in the House. This is exactly what happens in the United States when a Republican president is facing a Congress that is majority Democrats. Now, this might do wonders for co-operative federalism and accountability to the electorate, which seems very absent under the present system.

Additionally, the role of the opposition and the Senate will change. Under the present system, only the government majority draft the legislation that is put to the House in three readings and then on to the Senate for either approval, modification, or rejection. The opposition to the government, which in today's system plays the role of adversary or devil's advocate, will be given a seat or seats at the table where legislation is drafted and proposed. The opposition's role will become participatory rather than adversarial as it is now.

Additionally, the Senate will not be abolished or changed. The triple E Senate will not become a reality, but the Senate's role will change. In the present arrangement, the Senate is either asleep at the switch literally or the governing party's most vicious adversary. Like the opposition, the Senate will be given a seat or seats at the legislative draft table. In this way the proposing and drafting of new laws for Canada will involve the best minds of the majority, the opposition, and the Senate. The majority will account to its members, the opposition to its members, and the Senate to its members, and the Prime Minister will ultimately account to the electorate. A similar arrangement will work between the government and opposition minus the Senate at the provincial level.

Now, will this happen, and can it work? I really don't know. But one thing I am certain of is that our present adversarial system of government between majority and opposition, between government and Senate, between federal government and provinces, and between provinces and provinces has to change because it is the source of our constitutional and national grief. Canada, very simply, is governed by adversity, and that is our biggest problem.

The Quebec issue. Quebec, in my opinion, will remain a part of Canada. It will not become an independent state, it will not become sovereign, and there will be no sovereignty association, nor will Quebec be constituted a distinct society. These words will not appear in the new Constitution because they harbour too much fear and misunderstanding and misinterpretation. However, Quebec will be given the legislative capacity it wants and needs and has been asking for for decades to allow its fulfillment within Canada as a unique province with culture, language, religion, customs, and traditions intact. Canadians will view these additional jurisdictional responsibilities to Quebec as an appendage to the Quebec Act of 1774, which conceded land, system of government, legal code, language, and religion, and also the Constitution Act of 1791, which divided Canada into Upper and Lower Canada at the Ottawa River. The other provinces and territories will surely scramble for more legislative authority, but in no way will they be granted on an equal basis. The provinces are far too diverse for that to happen.

On the Charter of Rights and Freedoms. The Charter of Rights and Freedoms incorporated in the patriated Constitution of 1982 will be retained as an integral part of the Constitution. Parts of it may be reworked, but the notwithstanding clause will remain mainly as a reflection of the diversity of our nation. This clause will continue to allow the federal government and the provinces to say, "Yes, but." The Supreme Court will be the official organ of interpretation for the Constitution and the Charter of Rights.

The amending formula: there may never be a complete agreement on an amending formula for the Constitution, leaving the Constitution for Canada as an open-ended question.

Of course, the question arises: how does one amend the Constitution without an amending formula? Nevertheless, the Constitution will be passed leaving the amending formula in a state of limbo so that a debate on what constitutes Canada will go on well into the future. This dilemma may in time become accepted as a reflection of the diversity and the ambiguity of Canada. Maybe Canada is undefinable.

8:04

The aboriginal question will remain for Canada the toughest and most complex issue of all to resolve. Unfortunately the treatment of the aboriginals since the arrival of the Europeans almost 500 years ago will remain a blotch on the Canadian character for generations to come. Despite this difficult history, in the reconstituted Canada the aboriginals will be recognized as the First Nations but not the founding nations. They will be granted a constitutional right to nationhood complete with the right of self-government and self-determination, but in practical terms it will be an extraordinarily difficult task to achieve this status.

The native issue is compounded by several enormous complexities, among them a clash of values. The native's value system and the white man's value system are so fundamentally different as to be irreconcilable. The native has always viewed himself as an equal to his environment. He could equate himself with the fish in the stream, the elk in the woods, or the bison on the plains, and to take more from the environment than was needed for food, clothing, and shelter was tantamount to sacrilege. Man and nature were in perpetual harmony one with the other. The white man, on the other hand, sets himself above nature. He puts himself in charge of the environment to slash and to burn, to use and abuse, to plunder and pillage, to exploit and extract, to pollute and destroy for economic reasons. The natives are quite overwhelmed and ostracized by the white man's values. It is not in their nature to understand this phenomenon, and that is why even today in the wealthiest of reservations they are steeped in social problems because of this clash of values.

A second problem is the absence of numbers. The native population only represents about 250,000 or 300,000 people, about 1 percent of our population.

A third problem is dispersal. Most natives live on some 2,200 reservations across Canada and far into the north.

A fourth problem is the lack of cultural unity. The natives number many tribes, cultures, linguistic groups, and lifestyles: about 800 bands in Canada. From the Inuit of the north to the Haida of B.C. to the Beothuks of Newfoundland, who are now extinct, the natives are extremely mixed as a cultural group.

For these reasons, then, constitutionally they will receive the recognition they need in terms of nationhood, self-government, and self-determination, but in practical terms it is almost an impossibility. For them a certain amount of integration into the Canadian mosaic seems inevitable. To bring any kind of unity to native cultural diversity will be an awesome task. Perhaps a positive role for them in Canada would be in the Department of the Environment. They are environmentalists by nature, so why not put them in charge: things like recycling, landfill sites, pollution control, incineration, acid rain, the ozone depletion, mercury pollution, cleaning up the Great Lakes and the St. Lawrence. Of course, this would take enormous sums of money and the co-operation of government and industry.

I'm going to be short of time. I mentioned something about the regions which will be set up in Canada, and you can perhaps refer to that later. I talk about four economic regions of influence – the maritime region, the Quebec region, the Ontario region, and the western region – simply to counteract the impact of the free trade agreement and the impending free trade agreement with Mexico. It's purely and simply on economic terms.

Okay. All of those things are in category one. Category two refers to changing the thinking of the nation. Now, we can change the machinery of government, but I think a more important change has to happen in the thinking or the psyche of the nation. In the preliminary writings of the Spicer commission one thing is made remarkably clear. Canadians do not know their history, they do not know their country, and they do not know their people. We are like strangers in paradise, and that's quite understandable. Not knowing something is very easy. Doing something about it is quite another matter. I have three proposals.

As a national sport Canadians should take up jogging to the local library and to the bookstore to immerse themselves in the history and political science sections and then come home and discuss it with family, friends, and neighbours, because the exchange of ideas is a wonderful way to build community.

Number two, Canadians do not know their country. That's true. It's too big. Distances are too far, and travel is too expensive. In today's world of instant gratification air travel is the only sensible mode of travel, yet our population base is far too small to have a cheap domestic transportation policy. Hence, the Canadian airlines fly Canadians out of the country cheaper than they do domestically. Easterners fly to Florida, westerners to California, and few fly east or west. Besides, east-west travel by rail or by auto or other than air is difficult. Via Rail is gone, the buses are slow, autos are slow, and the Canadian Shield and the Great Lakes provide a tremendous barrier. As well, the westerners view Quebec and the maritimes as a great mystery. The easterners view the west as a vast wilderness, and the perception of the language barrier keeps Canadians regionally apart and ignorant of their country. These physical and psychological barriers to travel somehow must be overcome. It is only by exhaustive travel to all regions, including the north, that Canadians can come to know their country.

Now, Canadians do not know each other, and to solve this problem there must be a greater exchange of people and ideas between the regions of Canada, including the aboriginal people. The Wainwright/Marieville exchange of eight people is a marvelous mechanism for nation building. When people exchange visits and open themselves to their deepest and innermost feelings without fear of reprisal, then relationships are built. This sharing of feelings about issues and concerns brings understanding, respect, tolerance, and friendship, and out of this process of dialogue will come the will for nationhood. It is through our shared feelings that we connect and bond as human beings, and therein lies the seeds of nationhood. Our nation's psyche would be euphoric, and the problems of changing government mechanism, the distribution of powers, and government adversity would pale to insignificance.

This is a mammoth undertaking for Canadians, but before this can happen, we must dispel two Canadian myths that have become ingrained in our nation's soul to the point of becoming institutional. First of all is the myth of bilingualism. Many times in the last 20 years many Canadians have expressed their distaste for official bilingualism: "It was that Trudeau and his Liberals who made Canada a bilingual country in 1969. By doing so, the government is shoving French down our throats. This is costing too much money. Why not let the French speak French, the English speak English, and for God's sakes keep the French off the cornflakes boxes." On and on it goes ad nauseam. I suggest to you that this is a myth, an illusion, a simple figment of the imagination, and I suggest more that it is a prejudice pure and simple, born of the individual's inability or refusal to come to grips with the diversity of the nation. Official bilingualism in my opinion has nothing to do with shoving and nothing to do with gullets. It does not mean that all Canadians must speak both languages, and it is unfortunate that a national policy as simple as official bilingualism can be so misunderstood, misrepresented, and misconstrued as to become the whipping boy of all that is seemingly wrong with this country.

In its simplest forms, as I understand it, official bilingualism is a declaration to the citizens of Canada and indeed the world that if you wish to do business with the federal government, you may conduct that business equally in either French or English, your choice. That's it, nothing more and nothing less than that. This applies only to the federal government. Furthermore, New Brunswick is the only province that is officially bilingual, and this means that anyone doing business with the New Brunswick government can choose to do so either in French or English – not both. New Brunswick is not forcing its citizens to speak two languages.

Now listen to this. Additionally, when Alberta in its language Act in 1988 made English only the official language of the Alberta government, no one noticed. Yet when Quebec introduced its language law, Bill 101, in 1977 or thereabouts and Bill 178 in 1989, which made French only on the outside and French and English on the inside with French dominant, many Canadians screamed: "Foul," "Discrimination," "Minority rights," "They're shoving French down our throats." Yet neither of these provincial laws is a contradiction of official bilingualism at the federal level, because they are applied in two different jurisdictions, in two different circumstances, for two very different reasons.

Now, Quebec's law may have been necessary – I say "may have been necessary" – because they feel that French is being threatened and they want to preserve it. Alberta's law, on the other hand, was not necessary. It was written as a backlash to the Quebec language law. English is not threatened in Alberta. It's the old "you touch my toy and I'll slap your face" federalism. That's government by adversity. Canada was, is, and shall remain a bilingual nation, and it is time that all Canadians put language behind them as an excuse for alienation. At worst language is a nonissue or should be, and at best it is an expression of the freedom of choice.

8:14

I just want to finish with the myth of equality, and then I'll stop. The second myth is the myth of equality. There is the perception in Canada that all things have been created equal, that provinces and the territories are equal since Confederation and must remain so. Number two, Canada's social programs have to be equal across the nation. Health care, for example, is perceived as being free, equal, and universal. In education, for example, Canadian governments spend hundreds of millions each year to perpetuate the myth of equality of opportunity, which has not happened yet. Finally, there are those who now say that if our Senate was equal, elected, and effective, many of our government problems would be solved.

Yet the term "equality" is hardly a term that suitably describes Canada. A simple exercise should prove the point. Take any detailed map of Canada and a good reference book and do a comparative analysis of Prince Edward Island and Ontario. Compare the two provinces in every detail: government, history, size, geography, location, population, population density, education, climate, resources, industry, economic base, transportation, communication. If at the end of your study you can make the unequivocal statement that Prince Edward Island equals Ontario, then you should probably do another study. You should compare Newfoundland and British Columbia. If at the end of that study you can make the statement that they're equal, then you should probably become a magician. The Canadian provinces as political entities are extremely diverse, yet many politicians and citizens demand that the provinces be given equal legislative authorities.

Our system of government must reflect this diversity. The government mode must move from one of adversity to one of diversity and away from equality. In the new Constitution the provinces will not be given equal legislative authority and responsibility; rather their legislative powers will reflect this diversity. We will still need a strong federal government to deal with national issues that are well defined, and if the provinces get too greedy, we could end up with 10 countries, not one. That's why a delicate balance has to be struck between federal and provincial responsibilities. Allocating these responsibilities will be a big job, but diversity, not equality, will be the benchmark of Canada's new Constitution.

I'll stop there because I haven't got to category three.

MR. CHAIRMAN: Thank you very much, Mr. Leidl. You have given us an extensive written brief, and you've touched on a good number of the items that you've raised in that. We will, of course, in all circumstances read the material, but if there's an opportunity now for a few moments for some questions, we'd certainly entertain those.

We will circulate copies to all members. When we receive them, we'll photocopy. One thing we are fortunate in these days is we've got quick photocopiers and fax machines. I don't know how we got along in this world before without fax machines. We will certainly make sure that your brief is distributed – I should point this out too – not just to this group but to the other panel, which is meeting in, I think, Fort McMurray today. So all members will receive copies of your submission.

MR. LEIDL: Thank you.

MR. CHAIRMAN: Yes, Ken Rostad.

MR. ROSTAD: Thank you, Mr. Chairman. Yes, Mr. Leidl, you certainly have thought your process through. I'd like a little clarification, though, on your selection of the Prime Minister and Premier. You were likening it to the President of the United States who is elected and could be Republican with a Democratic House. You didn't get into whether the cabinet, or the executive, would be appointed. From what body would the Premier or the Prime Minister select?

MR. LEIDL: I'm not a constitutional or parliamentary expert, so these details, I'm sure, would have to be worked out. My point is that I think all Canadians should have the opportunity to elect their leader, and the majority in the House and the minority in the House – because there you represent constituencies too – and the Senate should be given some kind of participatory process. It would have to be up to people smarter than me to sort that out. I think we have a government of adversity. We're pitting one body against the other, and we're not getting anywhere. I think that is what has to change.

MR. ROSTAD: I don't disagree there.

MR. LEIDL: The mechanics: I can't give you the mechanics, to be very honest.

MR. ROSTAD: Another point was that you would give these other groups a place at the legislative drafting table.

MR. LEIDL: A participatory role of some kind. Again I don't know the details.

MR. ROSTAD: When you're referring to drafting, are you referring to the conception of the legislative idea or the actual sitting down and writing?

MR. LEIDL: It seems to me that in the present arrangement the role of the opposition is to condemn and criticize and destroy whatever is put forward by the government, however much merit it may have. Their role seems to be one of the adversary where they put it down and do not recognize its merits. I think at the beginning they should be given the opportunity to have positive input so that the adversarial role is much, much more diminished when it comes to approving that legislation. They have to be consulted, because after all, they represent people too.

MR. CHAIRMAN: Any other questions or comments?

That's an interesting point you raise there, because I think part of the perception that one sees today is influenced so much by television. What one sees mostly is the question period, which is the most adversarial of all the legislative debates and discussions. In actual fact when one sits down to take a piece of legislation, there is more give and take, and changes are made based upon recommendations that come forward; not all the time, obviously, but it does happen. That you never see on television. And meetings such as this, of course. We're not guaranteeing that we'll come up with a unanimous report, but through this process we're sitting together as colleagues in the Legislature in an effort to try and seek out the views and come forward with a report.

We did this, you know, in 1982 with a select committee of the Legislature and got a unanimous recommendation for a triple E Senate from an all-party committee. Then that report was submitted to the Legislature and voted on and unanimously endorsed by the Legislature. Then after the next election it was once again unanimously endorsed by all parties. So you see there are times when those things happen, but that doesn't make the news as often as the very real problems that come along. I think maybe that's part of the question of communicating that we have to do as legislators.

Bob.

MR. HAWKESWORTH: I'd just like to address another issue you raised, and that was something to the effect of a proposal for amendments to give Quebec unique powers. I can't recall the exact wording. You suggested amendments to the Quebec Act of 1774 and 1791. Could you just outline briefly: what would you see some of those unique powers to be?

MR. LEIDL: Well, the only thing I know, off the top of my head, is that they're requesting some control over immigration because they have a very low birth rate. They want to retain the French fact, so they would like to control that input from the outside world and have people basically coming to their province who can maintain their culture and language. That's one example. They want everything . . . Of course, there are about three things that they don't want. They've been asking for special privileges and special legislative powers for a long time. None of the provinces are equal at the moment. I think that's a great misconception, that all of the provinces are equal in terms of what they have and can do. For example, Ontario and Quebec collect their own income tax.

MR. CHAIRMAN: Just Quebec, I think.

MR. LEIDL: Just Quebec?

MR. CHAIRMAN: Just Quebec, yeah.

MR. LEIDL: Okay. So they want things that allow them the legislative capacity to protect their identity. I don't think it would destroy the rest of the country if we gave them that capacity.

MR. HAWKESWORTH: Well, that's a unique point of view that we've heard tonight. I'm just wondering why you'd suggest looking to the Quebec Act, going back 200 years, as opposed to including it in the Constitution.

MR. LEIDL: Well, it was the Quebec Act of 1774 that conceded things like land, their style of government, their Civil Code of law, and their right to their religion and their language. That was conceded in 1774. That was a hundred years before Confederation. So what's wrong with making a few more concessions now if they need those concessions to protect their interests?

MR. HAWKESWORTH: Thank you.

MR. CHAIRMAN: Okay. Well, thank you very much, Mr. Leidl. You've given us some very interesting and thought-provoking comments.

MR. LEIDL: I do promise I'll have a fully edited copy. This is a very rough draft, you know. I didn't have much time to put this together. You will have by the middle of June a perfectly typed draft of this. My apologies for the time.

MR. CHAIRMAN: Thank you very much for coming.

I've had a suggestion, and I hope that nobody will object to this, that we now have a coffee and/or, for those who are still addicted, cigarette-smoking break. So we'll just take a brief break now.

[The committee adjourned from 8:24 p.m. to 8:35 p.m.]

MR. CHAIRMAN: Thank you very much.
Our next presenter is Carol Jean Colson.

MS COLSON: There. Now that I've given you the impression that I know what I'm doing, I'll start on my brief.
Mr. Chairman and members of the committee, I want to thank you very much for allowing me to come here tonight.

MR. CHAIRMAN: Can everyone at the back hear? Okay. Would you just speak a little louder then?

MS COLSON: A little louder? Okay.

MR. CHAIRMAN: How's that? Okay.

MS COLSON: Is that better?

MR. CHAIRMAN: Yup.

MS COLSON: Good.
Now, I'm a Canadian. I'm very proud of my ancestry but a Canadian first and foremost. My parents taught me this. I also grew up to resent the French language on the box of cereal, but I think I've outgrown that. I did learn to appreciate Quebec as being uniquely a part of Canada and also a part that I felt helped us to remain Canadian and not a watered down version of the United States. I was also taught to try and look at all angles of a situation because of growing up in Canada's only border city. We had a Saskatchewan and an Alberta paper delivered daily to our house because my father insisted on this. He said that they would both be biased, and I think he's right; therefore, we had to read and assess matters for ourselves. I felt that in itself was a good legacy.

Today I'm an angry Canadian. The more I read about our constitutional problem, the more I am convinced that we will be faced with another Meech Lake debacle for two reasons particularly. I guess they both hit at something that I firmly believe in. First, the Prime Minister has said no constitutional assembly, because Quebec does not want it. Now Mr. Clark has said that a triple E Senate may be impossible and wants to look at the German equivalent, which is based on population and is somewhat toothless.

I want to see a strong federal government that must retain powers in some areas – I've only mentioned a few: currency, defence, communication, transportation, foreign affairs, justice – and still retain the split powers that the provinces have now set out. There is still room for manoeuvring to give the provinces a few more powers, but still we must have a strong central government. I, too, read that article in the *Saturday Night Magazine*, and if I understand it, Quebec has a 44 point tax advantage over any of the other provinces. Now, does this reflect in the transfer payments? Can anybody answer me that one?

MR. CHAIRMAN: I've never read the article. You have me at a disadvantage. I never read *Saturday Night Magazine* unless somebody specifically brings it to my attention. If Dalton Camp was the author, I would never read it anyway, but that's a bias on my part. That's a terrible bias, and I shouldn't say things like that.

MS COLSON: Okay. It's all right. He's not one of my favourite people either.

MR. CHAIRMAN: Sorry.

MS COLSON: But I found it an informative article. I just wondered if any of you actually knew what the 44 point advantage was and if it did . . .

MR. CHAIRMAN: Can anyone on the panel help me on that?

MRS. GAGNON: I'll take a crack at it. I think they took an option which was available to other provinces as well. I'm not sure. I'm going to review the article. Actually, I've loaned it to one of our assistants, Gordon. We're going to get Gordon to check this out very carefully.

MR. CHAIRMAN: Well, I'm going to read it now. We'll read it. Okay.

MS COLSON: Just forget the author.
That does reflect in the transfer payments, then, I take it?

MR. ADY: Not necessarily.

MS COLSON: Not necessarily?

MRS. GAGNON: No. I think it's just those things that they have taxing power for.

MS COLSON: Okay. All right. That I didn't understand.
Now, I believe there should be a constitutional assembly with as few politicians as possible on it to get our Constitution straightened out. The federal government and, to a lesser extent, the provincial governments are actually at an impasse with the Canadian people. No matter how sincere sounding or seemingly well intended constitutional changes may be, there's an absolute lack of trust in the present-day federal government particularly. We have been manipulated for too long and too often. My first choice would be a federal election before constitutional changes are made, but my alternative is a constituency assembly. There is a quote attributed to Don Getty when he was a cabinet minister in the Lougheed government, and that is: getting elected doesn't make you smarter.

Some of the points I wish to touch on today are parliamentary legislative reform, labour reform, election reform, defence policy, provincial/federal relations and divisions of responsibility, education, Charter of Rights, justice system, immigration, and most important a complete overhaul of our taxation system.

Senate reform. I have felt since high school days, which was more than a day or two ago, that the American system was much better than ours. I think we need a triple E Senate in order to make some balance between our Parliament, which is representative by population, and our regions, which don't stand a chance in Parliament. We should retire all Senators 65 years of age and over, the same retirement age as applies to everyone else. The last eight Senators appointed for the purpose of getting the GST through should be offered a severance package. No more appointments to the Senate, and retirement packages offered depending on length of service, et cetera, setting a limit in preparation of a triple E Senate.

Now, parliamentary legislative reform I think will go quite a long ways to helping some of the impasse that we are at. Rescind the law recently passed setting Members of Parliament beyond the law, for that is exactly what it means. The provinces set stronger guidelines for conflict of interest problems. Cabinet should be reduced to no more than 15. After all, it doesn't take the United States that many to govern millions more people than we have. Pre-election promises to decrease cabinet never materialize. Free vote for members without causing an election. This might have exceptions, but I would rather not, simply because of the GST that if it had been defeated, would have caused an election. A recall for members if they do not follow the wishes of their constituents. An election if the government fails to follow election promises.

No more closure. If the matter is that important that it reaches a stalemate, then it is important enough to cause one of three things: a plebiscite, a referendum, or an election. I think that should be instituted very quickly. No more orders in council, or at least a limited number and specific guidelines. Between orders in council and party discipline our parliamentary system is no longer as democratic as it was meant to be. A cap on increased pay to Members of Parliament including the tax-free income. Reduction in expenditures and closer monitoring of them until the deficit is reduced to a manageable point. I've deliberately left the province out of this because from what I can see, I don't really think, in my opinion, that you're overpaid – okay? – not in comparison.

Eligibility for pension after two full terms of no less than eight years. This applies to everyone starting now. No pension until age 65, the same as any other senior, unless unable to work for health reasons. If working or receiving sufficient income from some other source, pension is cut off. No more appointments to government agencies or departments. These must be open to the public. More open bids for government contracts and incentive programs set up for departments to encourage tighter budgets and/or coming in under budget. Elections set every four years at a prescribed time.

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Taxes. Now, I'm not a tax expert. I'm just a taxpayer, okay? We have three levels of taxation that are noticeable. We have zillions of hidden taxes we pay every day. I don't know that we can do anything about those, but we have our municipal, our provincial sales and income tax, the federal income tax, and GST. We still only have one tax base; that is, you and I.

Another problem is that there is competition, not co-operation, for the tax dollar between the different levels of government. A lot of it is mostly for who can do the most for the people. For our money I feel we get the best for our bucks at the municipal level probably because they are closer to the people but also because they're strictly administrative.

Next comes the provincial level. They are not so far away that we can't reach out and shake them out of the trees. The federal government is so far away we can't reach them, and they only appear at election times if the polls are favourable. You can't legislate common sense or eliminate greed, but parliamentary reform could definitely help with these problems. The municipal system is administrative, not profit oriented. I can't see the need to disturb the property tax, but why not look at combining the others? I'm talking about the provincial income tax, the sales tax, federal income tax, and the GST. I think if Canada is to remain solvent, we must take drastic measures, and I feel that this would be more fair. It would also eliminate duplication of functions between the province and Ottawa and eliminate the competition for the tax dollars from the one tax base. We know that controlling taxes also means power. That is why I see a bottom-up budget administered and collected by Ottawa. They should by no means have control of the money. They simply have proved that they don't deserve it.

It will take a lot of co-operation between all levels of government. There is a planning for long-range programs in health and education, to name just two. There must be some way to set up programs that will help the poorer provinces. It would eliminate wasteful grants and tax concessions that have not proven to be particularly successful. I can see where this will make both provincial and federal governments largely administrative. Is that really bad? I think people have been taxed to the limit, so now the only area that can make changes is in the area of government and how they tax us. I don't think you can squeeze any more pennies out of us.

Our human resources. Our method of solving labour problems is not satisfactory and is usually disruptive to innocent people in the case of strikes. Perhaps we should take a look at some European methods. This would lead to consultation between labour, management/owners, and governments. Isn't it time to set national standards to allow Canadians to work anywhere in Canada? The professions, trades, trained people should be able to move freely to any part of the country.

The same could be done with education. We are a mobile society, so why should children suffer because they must move to another province? This is a provincial jurisdiction and should remain so. It would mean the provinces would have to get together and set a national standard to produce the highest quality education possible. Language should be left in the hands of the provinces. We should use school books produced in Canada for Canadian schools and a higher content of Canadian history starting right in grade 1. My mother at 97 can still recite all 98 counties of Iowa, and she learned those before coming to Canada at the age of 12. I wonder if our Canadian students would be able to name our 10 provinces and their capitals even after grade 12? Never mind asking them who the Prime Minister is; I think they all know that.

We need more training programs for people laid off from so many factories and business closures. Nothing really significant has been done about that.

Bilingualism and multiculturalism. Learning languages should be encouraged but not forced bilingualism. Provinces can best assess the languages that are more suited to their people. Multiculturalism has always been with us, but the ethnic groups manage to not only survive but grow and become part of communities without government aid. It encouraged people to go to these functions and learn a little more about each group. I'm cynical, I know it, but it does smack more of vote garnering than any real interest in helping our immigrants. I don't think we need ghettos in Canada, and I don't think we need our different ethnic groups fighting the government to get money for their particular projects. We didn't use to need that.

The Charter of Rights and justice. Our Charter of Rights is a nightmare. It should be put back into the hands of our elected representatives so they can come up with a positive document. Might we take a look at what the United States has done and see if we can't improve on it? Revise the Young Offenders Act; make them more responsible for their actions. The pendulum has swung the opposite way where the accused now has more rights, it seems, and protection than the victims, including being able to protect ourselves.

Defence policy. There must be a cohesive policy. It is disgusting to watch the federal government lurching from one policy to another without any idea of the direction it should be going. It is demoralizing for armed forces personnel to be working with outdated equipment, uncertainty as to who will be chopped next, and communities wondering about what bases will be closed. The world needs to know what we represent in the way of defence. We should foster a stronger UN and stop the proliferation of weapons to countries in sensitive areas. Perhaps the UN could use economic sanctions against such countries caught selling arms.

Immigration. We're not doing new immigrants a service when we encourage them to come to Canada and then take literally years to process them. We lack funding, and we lack a system to guarantee they can learn the necessary language and life skills to adapt to this country. It isn't just language alone. They don't even begin to understand, many of them, the kind of country we live in and what our laws are.

Aboriginals. The land claims need to be settled as quickly as possible. I'm not sure what the natives want. I don't know what the nation's status is that they are talking about. I don't know what it involves. But I am a firm believer in equality for all, responsibility for ourselves, and no special status for any one group of people or province. I might add that I would not object to Quebec being called a distinct society in the Constitution if it was in the preamble and did not entitle them to any privileges that the rest of the provinces don't have. Okay?

MR. CHAIRMAN: Thank you very much, Carol Jean, for your thoughtful document.

Ken Rostad has a question, then Jack Ady and Fred Bradley.

MR. ROSTAD: Thank you, Mr. Chairman.

As the chairman said, it's well thought out and well presented. In your parliamentary or legislative reform you suggest a recall if an elected person doesn't follow their constituents' wishes. Do you have a specific idea how you would ensure that a . . . Other than threat of a recall how do you know whether the politician follows the constituents' wishes?

MS COLSON: Okay. In their voting this would be noticed. I suppose this has come about more or less because of the GST. It has occurred in other areas, too, and I think the people that elect their representatives need some safeguards themselves, don't they? Because, I mean, sometimes somebody is elected with one party, and for one reason or another they decide to walk across the floor. This sort of leaves the constituents: "Well, you know, we elected this person, but really who do they represent?" I think there would have to be specific guidelines on, say, an impeachment or a recall, very definitely, not just on a whim.

8:55

MR. ROSTAD: Just a comment. As an elected official in my constituency I can't talk to everyone, and you try and develop a consensus or a feeling. There are petitions and that type of stuff that can come as well. I'm just wondering if you had a mechanism in mind of ensuring that . . . What is it? Fifty-one percent of people on one position means that you have to stand and represent that position. Being elected as a representative but also as a form of leadership, do you have your own ability to stand and say that you stand for something? It's just an interesting . . . Maybe we can't have that dialogue here.

MS COLSON: Well, I think that maybe when you are elected to run for your party in a certain constituency, they usually should know what you stand for and must be prepared to let you run on that kind of a basis, you know. But if you were to then get into the Legislature or into Parliament and suddenly do a reverse on the stand that you had previously taken, I think you should be questioned and recalled.

MR. ROSTAD: Sorry. I wasn't arguing against you; I was just trying to find out if you had some mechanism in mind. Thanks.

MS COLSON: Well, I think that would do it, and it would probably have to be 51 percent.

MR. ROSTAD: Yeah. I'd agree that if you did a flip-flop, you should have good reasons.

MS COLSON: Very definitely.

MR. CHAIRMAN: Jack Ady.

MR. ADY: Thank you. If I could just make an observation and a couple of questions. You put forward a suggestion that we should put some incentive process in place to give an incentive to government departments to do a better job and be more efficient. I couldn't agree with you more, because right now probably the opposite is true. They have an incentive to build rather than to decrease, and I think you've hit on a good point there.

The other point I wanted to get to is that throughout these hearings we've heard a great deal about establishing a constituent assembly to deal with constitutional matters or other serious matters, but particularly that one right now. Probably that's come about because of the dissatisfaction over the GST where, as you mentioned, people were not happy that their politicians had reacted properly to their wishes. I'd like to know from you how you would suggest we go about establishing a constituent assembly for this. Would you elect them or appoint them? Would they be chosen in some manner? Could you give me some insight into that?

MS COLSON: Well, I suppose there could be an election process, but I rather think that would be not only time-consuming but we'd hardly know where to start. Probably appointments would be the quickest way of doing it. If you get into an election process, then I can see where probably even the provinces are going to have to break up into so many from the north or so many from the south, because this is something we're going to run into, too, with an elected Senate. You can have all your Senators come from one area, rather than be distributed throughout, unless you set constituency boundaries. Something like that might have to be done to have a constituent assembly, and I'm only suggesting that for the purpose right now of getting our Constitution settled, and I'm suggesting it because of the lack of trust, as you mentioned. Yeah.

MR. ADY: Okay. I would just make one observation: that as soon as a person is elected, he automatically becomes a politician.

MS COLSON: Unfortunately, yes.

MR. ADY: I mean, that's the way it is. In people's minds or whatever if you're elected, you're a politician at whatever level you might have been elected.

One other observation. When you were speaking of aboriginal rights and what might be done with their land claims and how the problem might be resolved, you also indicated that no one in Canada should be receiving special status. I have to ask you if that includes the aboriginals under the process that you're outlining?

MS COLSON: I believe yes. I think the time has come when we need to say that no one should have special status. Now, it's a real turmoil right now, and I understand that because we have the aboriginal people, we have the French people. It's a very ticklish and sensitive area, but I think we have to look down the road apiece. We have our history to look back at, and what we've been doing at this point has not been particularly successful. We have not done the right things by our aboriginal peoples, but I think the best thing we can do is to help them become good, solid individual citizens, whether it's within what they want as their own particular nation or whether they become Canadian citizens as a whole in Canada.

But I don't think there should be any particular special status. I think they, too, want to start taking part, because now they're getting more interested in education. You find this at the local level with the children now going to school. They're attending school on a regular basis, and their parents are interested in what they're doing. There is a change in them, and it's for the better, because they now are beginning to realize that education is the way to get out of the mess that we've put them in. We have made them dependent upon us, and I think they want to become independent.

What I don't know is whether they want to be on their own reserves as a small nation living off that land or if they want to become an integral part of our political system in a very meaningful way. But that's got to come, I think, from them, because I don't think any of us truly understand at this point what it is they want.

MR. CHAIRMAN: Thank you very much.
Yolande Gagnon and Fred Bradley.

MRS. GAGNON: Thank you. I notice that under Charter of Rights and justice you say "our Charter of Rights is a nightmare," yet a number of people believe that the Charter is sacrosanct. It is what has given the individual, all kinds of individuals, protection, which maybe they didn't have before. I would agree with you that it should be called our charter of rights, freedoms, and responsibilities. Maybe we should add "responsibilities," but I'm wondering if you could just expand on why you feel it's a nightmare. Who has been disadvantaged, and who has been given advantage because of it?

MS COLSON: Well, I hope there's no lawyers here tonight, but I really think it has helped them considerably.

MRS. GAGNON: There's two right there.

MS COLSON: Sorry about that. You're too busy anyway.

I do think that what it has done is made it possible for every single, solitary, little grievance to be taken to courts because of our Charter of Rights. Now, not that there are not very serious and legitimate grievances, but I think it needs to go back to the silly whatever they are who drew the thing up in the beginning and get some more positive things in it, like what you can do, not what you maybe can do, and then leave it to go the courts to say: "Well, maybe this time it'll be okay. We'll get it through, and this particular group will be getting the protection that they seek." I think that can all be done in a positive way without waiting 20 years for everything to go through our courts. I'm not saying that anybody is particularly hard done by because of it. I think it's a good thing that our individual rights are being protected, but I'm not sure that they are under this system or under the Charter of Rights as it is now.

MR. CHAIRMAN: Fred Bradley.

9:05

MR. BRADLEY: Thank you, Mr. Chairman. I had one question, based on your brief. You suggested there would be an elimination of duplicate functions. Are you talking about areas between the federal and provincial governments in terms of the division of powers where you see an overlap? I certainly concur that we should be eliminating duplicate functions. Do you have some examples or specifics of where you'd want us to tighten up?

MS COLSON: Okay; maybe we should take a look at, say, education and health care. Now, this is becoming a real problem for the provinces. This is where I think our taxation system must be simplified so that the provinces can have more input into where that money's going to be going. Right now all it's doing is being collected, and as you're finding at the provincial level, they decide whether you're going to get a 60 percent split or a 50 percent split or whatever for all the programs that you're responsible for.

I think that once the departments assess their budgets – and as I say, there's got to be some mechanism whereby long-range plans can be taken into consideration, but they need to be set. Then you don't have to have the provincial governments collecting this and the federal government collecting that. This will eliminate duplication. I think they've got enough people in Ottawa right now concerned with the GST to probably take care of any kind of combined tax that we could ever dream of having. So I can see elimination at both levels, because the provinces won't be needing to collect and disburse. Well, disburse.

MR. BRADLEY: Currently the federal government does collect tax on behalf of the provinces and returns it to the province. So we've eliminated that duplication in terms of, you know, the taxation.

MS COLSON: But the federal government has too much power – don't they? – as to how that's going to be parceled out to the provinces. Right?

MR. BRADLEY: Well, there has been concern expressed in the past about the federal government using its spending power in provincial areas' jurisdiction to influence policy. We could take all night on that subject.

MS COLSON: No, I think they should be down to administering the moneys, not saying how it should be disbursed.

MR. CHAIRMAN: Well, thank you very much for your thoughtful brief and your lucid answers to the questions. Appreciated your remarks.
Ron White.

MR. WHITE: Thank you, ladies and gentlemen, for inviting me to speak, and welcome to the border city. We consider ourselves a very distinct society here too.

I don't have a written brief. I wanted just to chat with you folks to let you know how I as an individual feel. I don't represent any particular group. While I'm an employee of the province of Alberta, I'm certainly not speaking for any department either.

I have a fairly special perspective. I was born and raised in Ontario. I didn't come out here till 10 years ago. I was educated at the same university as Mr. Getty was. I came out here to make my fortune like he did, and he's doing quite a bit better than I am.

I would like to just discuss a few issues. One thing that's very important, I think, that many presenters have said is that we need a strong central government, and I think that's paramount. I can't see us running a country that is fragmented, where everyone has a veto and everyone can do whatever they want to do within a region. I don't think we can do anything but have a strong national government that maintains strong national standards in many important things such as education, environment, fiscal policy, social services, and those kinds of things.

Notwithstanding our need for a strong central government we also must have strong regional representations in that federal government. I think that the regions are already defined as provinces and territories, and I wouldn't want to begin lumping them into any particular group. I think that we'll just leave them, in my opinion, as provinces.

I've been a quiet advocate of the triple E Senate for three or four years, and in all this thinking I'm really debating now whether we even need one. I'm beginning to think very strongly that we really don't need a second level of legislative concerns. I think the provinces work very well with just the Legislative Assemblies, or whatever they wish to call them, and I really think the federal government would work just fine with the elected officials. If we have to have a second body, let's make it at least equal and effective. Let's get rid of what we have, because it certainly is not representative of anything, and it doesn't speak to the needs of very many Canadians really.

I would now like to go on, basically, and spend the rest of the time discussing the situation with Quebec, because really that's one of the major issues in the Constitution, as to whether they will become part of our country, at least constitutionally. They certainly are a part of it in every other way. I really question whether the whole constitutional issue is as important as maybe even people in Quebec feel it is. I think there's no doubt in most Canadians' minds that Quebec is very much a part of Canada, and most Canadians, I think, wish it to remain so.

I have difficulty with Quebec being a distinct society legally and therefore giving it special powers that any other group or province or region wouldn't have. I don't think that's particularly fair, and as Canadians we are very, very good at trying to be fair. While I acknowledge that Quebec certainly is a different region and has different needs and values and morals and ways of operating, I don't think that you can call them any more distinct than maybe you could Newfoundland or parts of Nova Scotia, particularly Cape Breton Island. Certainly Vancouver is very distinct also in the way it operates and the way it thinks. As I said before, we're also very distinct here in Lloydminster. You know, we consider ourselves the only border city in the country, and as a result we operate completely differently than any other region in the country. It's working fairly well here.

I do not feel that any one region can dictate to any other region what should be done. I think that's what Quebec appears to be trying to do. It's trying to tell us when the Constitution is going to be finalized; it's trying to tell us exactly when and what is going to happen. That's very disturbing. As an Albertan I don't like to see another province try and tell me what to do any more than I think they would like it if I told them that they had to do this, this, this, and this.

I like to use the analogy of the family, with the federal government, I suppose, being the authority figures or the parental authority and the provinces being the children. Each child is of a different age, and each child is very much different than the other, like in most families. Some children are wishing to be more independent. Some are older and are growing up and want to be more independent. Those of you who are parents of teenagers know the struggle that you have with your children while they are trying to become independent. You certainly give them different responsibilities. You certainly allow them to express themselves differently and to grow differently, but you ensure that you treat each of your children equally.

I think that's one way we have to look at helping Quebec through its particular crisis. I think it's our responsibility to do that. We certainly have to let them express themselves. We certainly can't put them down. We can't burn their flag or stomp on their flag any more than they can do that to any of our provincial flags or our federal flag. We must allow them to express themselves and to say, "Look, we want to be different," and we have let them be different in many ways that are working. They have their own pension plan. They have their own language legislation just like we do. They should be allowed to have that. We have to, I suppose, almost love them back into the fold. When you have a child that wishes to leave, you work with them, you try and keep them within the fold, but if they do leave, they are still part of the family. I still have family back in Ontario that I consider myself part of. Although I'm different now than I was when I was there, I'm still part of that family.

9:15

Getting back to how we need to change some things, I also feel very strongly that we must have some form of participatory democracy to make this decision. I don't think that we can allow the federal government to tell us exactly what it's going to do to us. I think that we need to have groups like this make presentations. We need to tell other organizations, such as the Spicer commission, what we need. I think we also must have some form of vote where everyone can vote on the issue. I think we need some form of a referendum. We're a country that strongly believes in democracy, and if 70 percent of the population in the east feels that this is what they want, then maybe that's the way the country should be, but at least allow us all to express ourselves with the ballot.

I can't see a fragmented country of regions. It just will not work. We have to accept that each area is different, but we must put aside a lot of our own regional needs for the good of the country. As an example, I must agree with Mrs. Bowker when she says that maybe we should be giving up some of our own resource dollars so that other regions can have equal services that we have. If we have to give up some of our revenue dollars so that Newfoundland is guaranteed the same medical services there as we enjoy here, then so be it. I think we have to do that, as we have to step back and realize that this regional concern is not nearly as important as the country as a whole. Alberta would not be as good a place to live if it were not part of a strong, unified country.

Thank you, ladies and gentlemen.

MR. CHAIRMAN: Thank you very much. Just a couple of quick comments. The University of Western Ontario is a good university. My daughter is attending there right now, so we have something in common.

In any event, the other thing I just wanted to tell you is: in all the presentations we've heard so far, as well, nobody has come forward and said, "Keep the Senate in its present form." So that should be no surprise to you.

Questions and comments? Yes, Fred Bradley.

MR. BRADLEY: Thank you, Mr. Chairman, and thank you for your presentation. At the end of your presentation you said that perhaps we should transfer some of our resource revenues to the federal government so they can provide the same level of services we have here in Alberta to other parts of the country. We just have to look at the size of the national debt and look where governments across the country generally are struggling today. We in Alberta do enjoy a very high level of service in a number of areas. Even if you did transfer all of Alberta's resource revenues and the federal government had them redistributed, do you think there's the fiscal capacity in the country to bring the other provinces up to Alberta's level without increasing the national debt significantly?

MR. WHITE: It would be very difficult. I'm not saying all service has to be equal, but the motherhood things that are in the Constitution such as health, those kinds of things. I think one thing that makes us a Canadian is our health care system. One thing that makes us a Canadian is the social services net that we do have.

MR. BRADLEY: Would you be prepared to transfer these responsibilities to the federal government if it in fact meant lowering Alberta's quality of services to a level less than what we have today, to a national standard which is lower than what Albertans receive today? So we'd be lowering the services that we have. Would you be prepared to transfer these responsibilities if that's what it meant?

MR. WHITE: That's a tough question. The answer is yes.

MR. CHAIRMAN: Thank you.
Pam Barrett. I'm sorry. Bob, did you have your hand up?

MR. HAWKESWORTH: Sure, but I don't need to go right now. You can put me at the bottom of your list.

MR. CHAIRMAN: Pam Barrett, Gary Severtson.

MS BARRETT: Thank you. My question refers to something that you said at the outset with respect to Quebec. You said that Quebec need not be a distinct society or recognized as such. The fact of the matter is that probably some tough negotiations are in front of either us, our federal colleagues, or members however elected or appointed to a constituent assembly. Would you say that your position is set in stone? Now, I'm assuming that whatever happens, it'll go to a referendum, because we keep hearing this all the time. If the negotiators said, "Well, just let's face the facts, and Quebec is different, and it is predominantly Francophone," et cetera, et cetera, and put that in the agreement, are you saying that when you got to the referendum, you would vote against it if it was part of a package that otherwise suited you?

MR. WHITE: I would have difficulty saying yes to something that made another region a legal, distinct entity that any other region did not enjoy.

MS BARRETT: You realize that they do have a different code of law, the Napoleonic Code, and you do realize that – I'm not sure if people are aware of this, but in their own language "distinct society" doesn't translate to distinct society. It translates to a distinct collective perspective, which is somewhat different.

MR. WHITE: Very different, I think. That I wouldn't object to too much. When I think of the words "distinct society," I think of something much different than what a Quebecker would think it is. I see it as something that makes them a whole lot more equal than anyone else, and that's what I object to. If it just means recognizing that they are different and that they are special and putting it in something that . . . Well, I recognize that doesn't give them anything more than anyone else. I don't have a problem with that; that's fine, because they are different.

MS BARRETT: Thank you.

MR. CHAIRMAN: Gary.

MR. SEVERTSON: Yes. Near the end you mentioned that the federal government would get together with others – did you mean the provinces? – to come to an agreement and then have a referendum. Who would you suggest write the question for the referendum?

MR. WHITE: I think it has to be the elected federal officials that would have to write it. They're the ones that are elected federally. They're the ones that have the responsibility federally. They would have to do that in consultation with all kinds of different interest groups including the provinces, but I think that the responsibility lies there. Because I believe in a strong central government, I would have to say that's where it'd have to be. They'd have to write it.

MR. SEVERTSON: In your opinion, then, would you say a simple majority across the country would be binding?

MR. WHITE: I would have to think it would be higher than a simple majority. I think you're looking at 60 to 65 percent.

MR. SEVERTSON: Okay. Thank you.

MR. CHAIRMAN: Jack Ady.

MR. ADY: Thank you. Several times during your presentation you drew the analogy of the family, a family of provinces, and then towards the end you said that even if Quebec left, we would still consider them as one of the family. Often in families when a member leaves, the parent still sends money from time to time. Would you advocate still sending Quebec a little money now and then if they left Canada?

MR. WHITE: I think we'd have to have some form of transfer payment. I mean, I wouldn't be adverse, I suppose, to sovereignty association, if that's what all Quebeckers felt they needed.

MR. ADY: That's not my question. Just to clarify: I'm talking about a sovereign country. They leave Canada and form their own country. In your analogy of a family would you still favour supporting them economically in that circumstance?

MR. WHITE: Yeah. We support many other countries economically. I guess we could include Quebec.

9:25

MR. ADY: Okay.
Another question that's not related to that. Do you favour official bilingualism for all of Canada, or do you favour perhaps letting Quebec have their own language and culture within their

own province and in the rest of Canada each province setting their own agenda with bilingualism?

MR. WHITE: I think every citizen of the country should be able to deal with any government level in whatever language he or she chooses to use. I would think, then, the answer would be that yes, Quebec should be allowed to have its own distinct language provisions, but it should not preclude me from dealing with a Quebec government or a Quebec authority that would allow me only to speak English. I am only Anglophone; I do not speak French. I think that if someone phones a social services office in Alberta and wants to talk French to someone, then that ability should be there for them to do that.

MR. CHAIRMAN: Well, thank you very much for your thoughts and sharing them with us this evening. You are the last official presenter; however, we've had requests from three other individuals who would like to bring forward their views. We had scheduled an open session from 9 on, so we do still have some time. Therefore, I'd like to ask Dr. Sayeed if he would come forward and give his views.

I should tell you who had indicated their desire to give us their views: Dr. Sayeed, Dr. Foster, and Richard Hodgkinson.

DR. SAYEED: Thank you, Mr. Chairman. I'm pleased to present here as a director of the Canadian Association for Community Living, a group of people who represent over 40,000 Canadians. We are concerned with the possibility of a new Canada causing an erosion of our Charter. I'm aware of the report by the United Nations which took our Charter into consideration and said that our country was the second best country to live in. Should new federal and provincial arrangements be proposed and debated, those people most impacted must be appropriately represented at the table.

In regards to the redistribution of powers in the area of social programs all disadvantaged persons should be consulted. The Equality Rights provision of the Canadian Charter of Rights and Freedoms, known as section 15, lists those groups or individuals protected and has been interpreted to mean groups who have been discriminated against and who suffer under a disadvantage historically. The list includes people who have a mental or a physical disability. Governments at both levels must commit themselves to speaking directly with people who have a disability and parents and advocates of children who have a mental handicap. This approach is consistent with the commonly held opinion of the need for a meaningful role for the public in constitutional discussion.

The rights conferred by the Charter cannot be jeopardized. It is imperative that any change to the face of Canada not jeopardize the rights confirmed by the Charter for people with disabilities. The Charter reflects the values we have as Canadians and should not be changed or watered down by provincial governments. There is a fear that after a very long wait to be given the legal protections to which these people are entitled, the legal strength that people with disabilities have now could be weakened by provincial governments.

The impact of constitutional reform. Many people who have a disability are the beneficiaries under the safety net programs that are cost shared. If there is a change in the distribution of powers – i.e., the decentralization of powers traditionally held by the federal government to the provincial government – this may either jeopardize the program altogether because of lack of federal support by way of funding or change, alter, diminish the influence the federal government may have in imposing minimum standards. This may effectively remove the quality control presently in place in some programs, such as medicare and the Canada assistance plan. This could have a significant and possibly negative impact on the quality of the lives of Canadians with a disability. While constitutional reform may be inevitable and involve the increased autonomy of provinces, the way in which these are implemented and designed must be done in consultation with those for whose benefit the programs were created.

The need for continuing national standards in some areas. While we may not want to take a formal position on what model of federalism is most appropriate for Canada at this time in history, we must state that our opinion is that some involvement on the part of the federal government is necessary in order to ensure quality and consistency as a nation.

The magnitude of some of the social problems, prime examples being child sexual abuse, needs of seniors, violence against women, and the legal and practical exclusion of people with disabilities, are better tackled as a united nation. This is for a number of reasons. One, while the implementation of programs will continue to be within the discretion of local governments, national solutions are required when the problems are ones that are overwhelming and pervasive. Mobility rights will be meaningless if there is no minimum consistency across the country. Three, as a country we would also look foolish internationally if in these major problem areas we do not support each other within the federation. As an example, our lead role in the United Nations' initiative involving the Declaration on the Rights of the Child will look phony if we totally delegate its implementation and that of any policy changes necessary to provinces. While we try to improve our image internationally on the economic side, consistency and social policy delivery may prove critical to our credibility as a united nation.

New roles for the federal government. The federal government in the most recent throne speech indicated its awareness for its increased participation in certain areas. The example given was education based on the appalling statistics for the level of literacy and skill acquisition of many Canadians. Any involvement in this traditionally exclusive provincial jurisdiction could potentially improve the situation for many children and adults with disabilities seeking inclusion at all levels of the education system. The level of illiteracy for people with disabilities is no longer tolerable and might be rectified by a newly created federal role.

I was a little hasty when I put some of these thoughts together and got somebody to prepare it for me, so it's all been done very . . . When I came here earlier on, I heard that you were not having enough presenters, and I didn't want to let my community down, the distinct society of Lloydminster. So that's it as a director.

Just some thoughts on what I said. I believe people with disabilities have been treated in a second-class system, and it's changed now. The Charter has given us some teeth and some legal help. I believe people have to realize that these people are human beings. It's just like the gentleman 2,000 years ago who gave us a value system which says, "Thou shalt not kill." Nobody questions that and says, "If I kill, well, these are the consequences if I don't." It is the law of the land. We're happy that discrimination based on mental handicap is now against the law. I think that's something that we believe has to stretch across the board into people's minds.

Thank you.

MR. CHAIRMAN: Thank you very much for your thoughtful comments.

I just wanted to make a brief observation about the United Nations' most recent study, which gave Canada the ranking of the second best place in the world in which to live. One of the reasons it gave us that ranking was because of our educational standards. It seems to me that there's a bit of a dichotomy between that finding from outside and the comments recently about the level of literacy within Canada and so on that the federal government has included in the throne speech. I wonder if it's sort of like Robbie Burns, you know, who said: would the gift that God has gie us to see ourselves as others see us. Who's right? So I just make that as a point.

9:35

Then I have a question for you. How do we as provinces guarantee that the federal government will continue to provide us with the funds that are necessary to carry out the social programs in which they are involved in establishing the minimum standards? Do we write that into the Constitution? Because that's a very big problem for provincial legislators.

DR. SAYEED: I believe that is a job for the constituent assembly which many people have been discussing. In recent times there have been nations that have had constituent assemblies. My erstwhile native country was India, which had a constituent assembly, and I think we should learn some lessons from that, not all of them. One of the lessons I believe we shouldn't learn from the constituent assembly – you gave me an in into something I wanted to say anyway – is the imposition of language. Unfortunately, that wasn't practised till the '60s when it created a turmoil. As long as it was there in the Constitution, people were learning two languages very freely. I went to school with people whose mother tongue was a provincial language and who were going out of their way to learn the "national language" which wasn't yet legislated into law. When the government decided to make it law, then things happened. Anyway, there are a few lessons we don't want to learn. But I believe the cost-sharing and how you can get the federal government to give us the money we need has to be part of the job of the constituent assembly, and it's a formula that's not wishy-washy; it has to be more or less etched in stone, with very few exceptions.

MR. CHAIRMAN: Yolande.

MRS. GAGNON: Thank you. I notice that you seem to speak very highly of the Charter, that it should not be jeopardized and so on. Yet sometimes we hear that the Charter is the cause of all our problems. Do you think we need to do a better job of explaining just what the Charter is, what it has done for groups like those who are disabled and so on? There seems to be quite a communication gap.

DR. SAYEED: I believe you are right. There is very little awareness of the Charter. The Charter is seen to help those "ethnic Canadians," and I believe those are the stories that hit the headlines. Very little has been said about benefits of the Charter to disabled Canadians, very little for the rights of seniors. I think people generally . . . Probably the Charter is so new that people haven't got enough information about what it confers. More recently, one of the judgments that came out of the Alberta Court of Queen's Bench was a case of the insurance company which charged a white Anglo-Saxon male a higher rate of insurance premium compared to his girlfriend. These were young people under 25. Now, that really hasn't made the headlines. Most people look at the Charter and say, "Oh, it's only for those coloured people." I have to agree that people don't really know what the Charter is. The Charter could come into play at any time in our lives as ordinary Canadians, as individuals.

MRS. GAGNON: Okay, one supplementary. You're a director of the Canadian Association for Community Living, and I gather their goal is to assure that disabled people have a choice to leave institutions and be there in the community; not only a choice, but that this be almost a guaranteed right. On the other hand, if some people wish to choose to stay within institutions – and in the Alberta context I'm talking about a place like Michener Centre, because a lot of parents seem to feel they need the choice to have their adult child stay at Michener – would you see that the Charter should also guarantee choice, not that everyone is in the community but that there is choice?

DR. SAYEED: Well, there is choice only if it's informed.

MRS. GAGNON: Informed?

DR. SAYEED: That's right. You cannot accept a person's choice without showing the person the alternatives. Very often parents of adult children are afraid, and I've had conversations with many of them. We had a seminar in Lloydminster recently which some of those parents attended and felt they were beginning to see a different light and a different perspective because they were seeing the alternatives. There is so much security in institutions such as Michener Centre that those who have left sometimes would like to go back because of the structured life they've been used to for 25 years. Maybe they have that choice and they should have that choice. I have known people who have wanted to go back because of fear of the outside. After a few years of realizing that was a mistake, they'll never go back.

MRS. GAGNON: Thank you.

MR. CHAIRMAN: Thank you.
Bob Hawkesworth.

MR. HAWKESWORTH: Thank you, Mr. Chairman, and thank you, Dr. Sayeed for joining us tonight. I'm really glad you made the decision to make a point of being with us.

I'd like to ask you for your opinion based on your experience. Which level of government do you feel has had the most effect or has been the most effective in its leadership in the protection of human rights in this country?

DR. SAYEED: I believe at the present time I would have to say the federal government showed the leadership by bringing forth the Charter. As you know, unfortunately Alberta was the last province in this country to include mental disability as a part of the Individual's Rights Protection Act. So the federal government has, in that area at least, shown leadership. Talking of institutions, the federal government was recently involved in an initiative with New Brunswick – which is a good place to start; it's a small province – seriously looking at the closure of an institution because it involves transitional funding. Of course, in that case it probably involves about $40 million over five years, and we may or may not have an announcement in the next

– maybe I'm speaking out of school here; I shouldn't – the next week or so. This is a very major initiative and is a pilot project. So, yes, I'd have to say probably the federal government has led the way.

MR. HAWKESWORTH: Is this another reason why you might support a stronger federal role in the whole area of human services?

DR. SAYEED: I believe so. Getting back to some of the earlier speakers, you know, minimum standards. I happen to be a physician, and you talk of mobility rights, et cetera. People in Nova Scotia and Newfoundland are probably not getting the same care as people in Alberta. Why go that far? Even in Saskatchewan, our neighbouring province, they are not getting the same care. I think there has to be some way, some mechanism if we are truly Canadians and we believe in one nation – and I don't know, maybe there's no emotional attachment to the nation, the concept of nationhood may be obsolete and we're looking at worldhood right now; I think that's a philosophical base we can argue overnight – there has to be some mechanism where the federal government can administer and maintain some strength in a stronger system.

MR. HAWKESWORTH: Okay. Thank you, Dr. Sayeed.

MR. CHAIRMAN: Gary Severtson.

MR. SEVERTSON: Just on that point, Mr. Bradley asked the previous speaker: would you be in favour of lowering your standards? Like you said, right now in Saskatchewan some of the standards are lower. With most governments basically in a deficit, if we went to a national standard right across the country, they would have to say, then, that Alberta would have to lower its standards.

DR. SAYEED: No. I'm an optimist; I don't believe in going backwards. I believe we have to bring the other provinces to Alberta's standards. I don't think we must lower our standards. That would be very negative and counterproductive. I think we have a role model here, and whatever we do from now on has to bring other provinces to our standards. I certainly would disagree with lowering our standards. It may mean we have to look at more innovative ways of keeping our standards the same, but I don't believe in going backwards. No, I think that would be wrong, because then there are no role models to follow.

MR. SEVERTSON: Okay.

MR. CHAIRMAN: Am I correct in assuming, then, that you're saying in the area of medical care Alberta's standards are the model for the rest of Canada?

DR. SAYEED: Well, they are pretty high. I would say Alberta has nothing to be ashamed of in its medical standards. They are probably right up there with Ontario. Alberta is a leader, I would say, in the health care field.

MR. CHAIRMAN: Thank you very much for your presentation and for coming forward this evening.

DR. SAYEED: Thank you.

MR. CHAIRMAN: Dr. Foster. Thank you very much for joining us.

9:45

DR. FOSTER: Thank you. Mr. Chairman, members of the panel, ladies and gentlemen in the rearview mirror, my presentation this evening is, I think, a modest one. It deals with process only and not the various policies we've heard from other speakers. It deals with power or empowering the people, and I believe it's something practical which you people as legislators in Alberta can in fact do rather than some of the very theoretical things some other proposals involve.

A major cause of disunity in Canada is the lack of ways for us to participate in decisions that change our lives. We presently have government by political and bureaucratic elites, often against the will of the majority. One clear example of this was the support of the government of Alberta of the Meech Lake accord while opinion polls were telling us that as many as 80 percent of us opposed such support. So we need to democratize our political system. Now, we talk a lot about democracy, but we don't often stop to define it. Democracy is not so much a system of governing as it is a system that allows us, the people, to control the elites who govern us. Clearly, such control of the elites is not now the case. Thus we have disillusionment and disengagement not only from the political process but from economic, social, and value systems that in themselves make up the fabric of national unity.

We need to provide ourselves with the tools with which we can control the governing elites, and two important tools to this end are referenda and the initiative. These two devices allow people to vote directly on specific problems or policies. The representative form of government that we now practise is obsolete. It was created when the average citizen was poorly informed and often remote. With today's widespread and instantaneous transmission of information, we are often better informed about an issue than the politicians who are deciding for us. Thus simply electing people to rule over us is no longer adequate.

Referenda allow us to decide about specific important matters of policy that can and do change our daily lives. For example, the Alberta government should have submitted to us the simple question, say, about a year or 14 months ago: should the government of Alberta support the Meech Lake accord in its present form, yes or no. If the majority had voted yes, then Alberta would have truly had a mandate for supporting that accord. If the majority had voted no, then the government of Alberta would not have supported the accord and the elites would have had to deal immediately with those inadequacies in content and process which became painfully and dividingly obvious later on.

The initiative is simply a means of ensuring that it is the people that decide what are the important policies that warrant a referendum so that politicians alone are not the ones deciding what a referendum will be held on. A petition or other means whereby, say, 5 percent of the electorate could force a referendum on a particular question would allow the people more power. It would empower the people. If this had been in place a year or 14 months ago, I'm sure Albertans would have forced their government to hold the referendum I mentioned earlier. Thus the people would have decided.

Now, we've heard all sorts of proposals and policies this evening. Some of them I think are quite admirable. Some of them, to me, are a bit scary. But I would feel much more comfortable if I knew that before any of these proposals were implemented, there would be a chance for the people themselves to decide, there would be a referendum on a question of whether we're going to have two regions or three regions or four regions or 10 regions or whatever. This would re-engage the people and would prevent the frustration and sense of futility that arise in so many of us when elites at a distance appear to force things down our throats. At the bottom is a very crucial principle of democracy: that we should have rule only with the consent of the governed.

While the referendum and the initiative are needed at all levels of government – federal, provincial, municipal, and school boards, and I think the people in this area might know what I'm alluding to there – the Alberta government can supply much-needed leadership in this area by bringing to bear the referendum as a frequently used method and enabling legislation for the initiative. The government of Saskatchewan has already made modest steps in this direction. The situation to me as a historian is somewhat reminiscent of the time when the four western provinces led the way for that other democratic reform of extending to women the right to vote. This was a matter that had been talked about for at least 40 years previously, and suddenly in World War I the situation evolved to the point where it was rapidly adopted, first by Manitoba, shortly after by Alberta, then Saskatchewan and then British Columbia. The federal government very reluctantly became involved on a sort of halfhearted basis during the 1917 changes which allowed only some women to vote, and eventually the rest of the country followed. It seems to me that the government of Alberta and you people as legislators in Alberta could show the way and show Canada the way to this new level of democracy. This democratic reform would heal our nation by showing the people that they are after all a meaningful part of Canada. When Canadians believe we do have meaningful participation, we do share in decision-making, we are consulted, and decisions taken reflect a consensus, then national unity will have been achieved.

Thank you.

MR. CHAIRMAN: Thank you.

Mrs. Gagnon.

MRS. GAGNON: Thank you. There's been so much talk about referenda. I've given it a lot of thought as well. I wonder if you could explain for me: how long do you think a decision reached through referenda should apply? Let's say there is a referendum on something or other. Should that last for five years, 10 years before you submit the question to the people again? Because there are issues that come and go. There are fads as far as what's a hot issue and what isn't a hot issue, how it should be resolved. So for how long would a referendum decide what is to be done about a given issue?

DR. FOSTER: I would think it would have the same status as any other legislation. Legislation was passed by the Legislature of Alberta, for example, in the 1920s which is now regarded as being quite out of date and obsolete and was repealed or replaced along the way. Legislation resulting from referenda should have the same status as legislation resulting from the proceedings of the Legislative Assembly.

MRS. GAGNON: Okay. Secondly: for instance, in the issue of funding of education when we only have about 30 percent of the taxpayers who have children in schools, do you think there's a danger that a referendum asking the question about increasing taxes might fail because it is not of direct interest to 70 percent of the population? These are the things that happened in California with proposition 13, some of the fallout of that kind of mechanism.

DR. FOSTER: Well, yes. Actually, it was the process rather than the content of proposition 13 that was important. Also, it can be argued that there was sort of political stonewalling with the implementation of the voters' will there as well. But clearly there are issues that will require negotiations and decisions among people. It seems to me that we have a principle involved here, where basically it boils down to saying that the people are either ignorant or selfish. If schools are important, I think we should be able to convince the majority of the people of that.

9:55

We have to have confidence in the common sense of the common people. It seems to me, having thought about this for a number of years, that the majority is going to be wrong at times, but the elites are often wrong as well. If we have a system where it's the majority that decides, then those of us that might be in a minority then have the opportunity to go about trying to convince the majority that education is important or libraries are important or whatever it is. If we can't sell that, then maybe they aren't that important.

MRS. GAGNON: Thank you. I would ask about proportional representation, but I'll leave it to somebody else.

MR. HAWKESWORTH: Well, thanks. Thank you, Dr. Foster, for your presentation tonight. Actually, that was a question I was going to ask you.

In terms of looking at ways of involving people or making our elected bodies more responsive to the public will, I think we've often found in our history, in Canada at any rate, that sometimes minority governments are the most responsive. I'm just wondering if you've given some thought to the notion of proportional representation or some form of it as a way of maybe more accurately making up our Legislatures based on the actual votes that have been cast in an election.

DR. FOSTER: Well, thank you. There are other ways of making the system more responsive. One of those is free votes, which has been mentioned. The notion that a Member of the Legislative Assembly or a Member of Parliament is there to represent the majority of his or her constituents is sort of the underlying principle. Now, if we have that in place and these other things, we have a much more open system.

I've looked at proportional representation, and I'm not attracted to that alternative. I think it's an attempt to salvage the party system which, too, is in danger of becoming obsolete. We have such a well-informed citizenry, such a rapidly evolving and rapidly changing system of values, that it's hard to get an enduring consensus on anything. What a political party purports to represent is an ongoing collection of people with similar aims and so on. It seems to me that our society is too fluid and mobile for this.

So to me proportional representation is a kind of red herring, and those countries which have tried it I don't think have achieved as great a degree of democratization as the theory would have us believe.

MR. CHAIRMAN: Well, thank you.

MR. HAWKESWORTH: Could I ask just one brief . . .

MR. CHAIRMAN: It's now 10 o'clock. I'm not trying to proscribe anybody's opportunity to make their presentation or ask questions. However, in addition to Dr. Foster, Mr. Hodgkinson is yet to come, and we have another person in the audience who has also asked for the opportunity of making their presentation. So I would ask both the questioners and the responder to be as brief as possible.

MR. HAWKESWORTH: That's okay.

MR. CHAIRMAN: Well, thank you very much, Dr. Foster, for your comments. It's an interesting proposition and we, of course, are going to review this because it has been suggested on a number of occasions.

DR. FOSTER: Thank you.

MR. CHAIRMAN: Mr. Hodgkinson.

MR. HODGKINSON: Thank you very much for the opportunity to speak to you. Rather than reading through, I'm going to briefly touch on just the heart of the presentation and be very brief indeed.

What I'd like to do is try and make a case for a totally elected constituent assembly. My reason for that is that I see no way out of our present dilemma considering how, particularly, our federal leadership has no credibility at all across the country and because it involves a number of people from Quebec who would be negotiating with Quebec and, at the same time, our part of the process of changing the association with Canada I think becomes impossible. With time running out, I see a great urgency that we get on with it. Because if another Meech Lake type of thing is thrown at Canadians again, my own feeling is that Quebec will be gone and nothing will happen in the process.

I really feel that a totally elected constituent assembly is absolutely vital and urgent and needed at this time. I think it could be stipulated that it is necessarily a political process but that elected politicians or Senators or people with that type of appointment not be eligible to be a part of that assembly unless they would resign and take it upon themselves to enter in that respect, which of course would devote full time. Otherwise, we are very much hostage to the people who finance political parties.

I have never been elected and I don't know the inner workings, but I would presume that multinational corporations who finance largely have large expectations. I think one of the imminent dangers to Canada and any other country is the fact that multinational corporations increasingly govern us. I think a Constitution that deals with that issue along with many others of the 20th century would be very important. I think elected people would in fact do that better than anyone else.

So really that is my point of view.

MS BARRETT: Just quickly. Do you also envision, then, the results of the recommendations from the constituent assembly, having gone through the Legislatures and Parliament, then going to referendum, or do you think once the constituent assembly has come up with its recommendations, they should just go through the Assemblies and Parliament and that's that?

MR. HODGKINSON: I would say that this would be a powerful assembly. They would write a Constitution, and it would be supreme, totally, at that point.

MS BARRETT: Oh, I see. Okay. Got it. Thank you.

MR. CHAIRMAN: Do you mean to say that the current Constitution amending process would just be completely swept aside?

MR. HODGKINSON: Of course. A totally new Constitution, and I believe people in their wisdom would retain what was of value.

MR. CHAIRMAN: Okay. Well, no doubt you have the particulars in your written brief as to how many delegates from each province would be selected and how.

MR. HODGKINSON: Well, as we elect a Parliament, we could elect an assembly.

MR. CHAIRMAN: Okay. Thank you very much, Mr. Hodgkinson. Oh, could you leave a copy of your brief. We'll photocopy it and circulate it.

MR. HODGKINSON: You have one.

MR. CHAIRMAN: We have one?

MR. HODGKINSON: Yeah.

MR. CHAIRMAN: Okay.

MR. OLIVER: I didn't come here tonight really thinking about . . .

MR. CHAIRMAN: Sorry; this is Glenn Oliver.

MR. OLIVER: Yes, it is. I'm here just on behalf of myself. I came just out of . . . No, not out of curiosity, but I was hoping everybody was going to say things that I felt were important.

Right at the start there were a lot of knocks toward a triple E Senate, and I don't think Canada will ever be united without one. I heard different comments that we can't afford our government, that it's a waste of money, and it is if the government is not working right. But if a government's doing its job, it's worth every penny it's getting.

10:05

When I look at other countries, at the United States, I think: how well would the United States work without their Senate? I don't think they would have lasted as long as Canada has. Because we don't have a Senate. All we have is an old folks' home full of old cronies. What we need is a Senate that's equal, elected, and effective. We have to have it. Now, provinces maybe aren't equal. Prince Edward Island and Ontario aren't equal, but neither are North Dakota and California. Yet you have to have that equal, elected . . . It has to be elected or it's no good, and it has to be effective or it's no good, and it has to be equal. There's no other way around it.

I'll just jump off that topic because there is one more, which I'm kind of scared to bring up – in Lloydminster it's really hot right now – and that's racism. It's here. Anybody that doesn't feel it is way out of touch with the ordinary people. What really bothers me is government-sponsored racism, and it's got to stop, or else we're going to have, after the Constitution issue is settled, a much harder one to deal with. When I refer to government-sponsored racism, I mean treating people differently.

The Sikhs in Canada today are frowned upon much more now than they were before the turban issue was brought about. It was brought about because of the government's mishandling of the turban issue. We need Sikhs in the RCMP. We need Sikhs in the police force, at least, but Canadians also wanted to know that their RCMP tradition would be protected. If the government had handled it properly and brought about a national police force which would allow turbans, allow native Indians to wear braids and yet still hold the traditional RCMP's uniform that we all know, that we all love, and that we all respect as sacred for the Canadians that loved the RCMP for what they've grown up to know them as . . . That's government-sponsored racism. People become resentful to start with, and then that resentment turns to racism.

The way our government treats our Indians is also government-sponsored racism. I'm not a hunter, but hunters that see Indians that don't have to buy permits or can hunt all year long have a resentment that turns to racism. The government has to treat everybody the same. We're going to have to have land claims for our native Indians, but they have to be given to the Indians, not to the bands. One night on TV, on *The National*, I saw in the Soviet Union a very sad-looking group huddled around a campfire, and I thought if they were our native Indians, we'd think they were in Canada. There really isn't any difference. We give the land to the bands, and they tell their Indian individuals how they're going to use it. They have a house to live in, but it's not theirs. Is there anybody here that doesn't own their own house? Just think for a minute. If Lloydminster owned all the homes and gave the homes to the people that are living in them but they don't own the house, it's just theirs, we would end up just like them. It's a communist state within Canada. There's hundreds of them. The individual Indians should have their own land, not the bands, then they'll have pride in what they have, something that we've stripped them of.

The racism has to stop. We'll always have bigots, but the government-sponsored racism has to stop, and that's what concerns me.

MR. CHAIRMAN: Well, thank you very much for your comments, Mr. Oliver. On the subject of the triple E Senate you are aware that in 1982 the province set out with a select special committee like this. It went around the province and asked people what they thought should happen with the Senate. Three years later that report was presented to our Legislature and recommended the triple E Senate. That was unanimously endorsed in principle in the Legislature. Then in 1986 there was a general election, and after that general election a Liberal member of the Legislature asked that that recommendation be re-endorsed, and that was re-endorsed unanimously in our Legislature. Under our current system of government once a resolution like that has been passed through the Legislature, it remains as government policy until such time as it's subsequently changed. So our official position as a Legislature is that the triple E Senate is the official position of the government of Alberta.

MR. OLIVER: I guess I'm a little worried that our provincial government is going to back away, and it can't.

MR. CHAIRMAN: Well, you see, that's one of the things we're asking in this whole process. That's one of the questions we asked in the discussion paper: should the triple E Senate remain as a constitutional priority for the people of Alberta, for our government? You're telling us loudly and clearly that it should, and many other people have been telling us the same thing. But we did not put that to a referendum, although it was recognized as official policy in the 1986 general election and again in 1989. So that's there, and that is very clear. Now, if everybody came in front of us and told this select committee, "Forget the triple E Senate," then we might have to go back to the Legislature and tell them that. But that's the process we're into now.

On your other comment, you've touched on a very delicate and difficult issue, the subject of people believing that somehow or the other they're different or should have different or special privileges and rights. You know, the Charter of Rights and Freedoms and the Alberta Bill of Rights say in legislation that that is against the law of the province and the country. But in the hearts and minds of Albertans and Canadians, of course, it's important that that be not just the written law but also the moral law. It's a very difficult and challenging thing for legislators to try and enforce. I think I would speak for all members of this panel and my colleagues in the Legislature in believing that equality of treatment for our citizens is paramount and how you achieve it, of course, is the difficult role.

Are there any other questions or comments?

MRS. GAGNON: Just a really, really quick one. When you talk about triple E, are you talking equal by region or equal by province and equal in authority with an elected MP, with a House of Commons elected person?

MR. OLIVER: I don't quite think I understand your question. To me it should be equal per province, the same as it is equal in the States. Each state has the same amount of Senators.

MRS. GAGNON: As far as how much clout they should have, should they have the same clout as an MP so that both Houses have the same authority, or would one recommend to the other, or is one the House of sober second thought, so to speak?

MR. OLIVER: Well, I think that a Senate should have three powers. It should be able to stop a Bill; it should be able to recommend changes. It shouldn't make Bills; that's left to the House of Commons. I think changes should only be able to be made once, and I don't think a Senate should be allowed to hold up a Bill. It should have to make a decision within a specified period of time, whether that's two months or six months, but it should have to make a decision within a set period of time from the time the Bill's handed to them.

MRS. GAGNON: Thank you.

10:15

MR. CHAIRMAN: I'd just like to add a brief comment. It was part of the Meech Lake process, and of course, it's behind us now, but I did travel across the country as chairman of a task force on Senate reform at the request of all the Premiers. There are times when they can agree on things unanimously, you know. They sent us across the country to talk to everybody, and I was in every province and the Territories. It became very clear when we talked about the triple E that the most difficult one of all to achieve was going to be the effective E, how to make that body effective without completely emasculating the House of Commons, which represented the democratic principle of one person, one vote roughly, and the Senate, which we said should reflect the federal principle, which in the federation would provide equality to the member states. How you found the balance in that on the effective E was one that was going to take a lot of negotiation and discussion between governments and understanding on the part of Canadian people. So what Mrs. Gagnon has touched on is part of that question, but there are lot of other implications for it as well. When the time comes to negotiate that, that's going to be, I still believe, the most difficult E to achieve, even more so than the equal. It's going to require a lot of wisdom.

Thank you very much for your comments.

Yes; a gentleman has raised his hand in the back. Would you just like to quickly state your position?

MR. COCKLE: I'd like to have brought up a number of things tonight.

MR. CHAIRMAN: I'm sorry. I cannot hear you, sir.

MR. COCKLE: I say there were two or three things I was going to bring up tonight, but it's getting late and possibly everyone's wanting to go home. But I've always stated, when the statement came about the turban and other things: when you're in Rome, do as the Romans do. If it's worth being in Canada, let us be as Canadians. If someone wants to wear a turban, he can go back to India. My wife and I have traveled in more countries than the average person has. We've been in China. We've been to Australia and New Zealand, Fiji Island, all the south sea islands. We've been in every province in Canada. We travel for the purpose of finding out what the feelings of the people of Canada are. If we cannot be Canadians and stand up for Canadian principles . . . Do you think that where the turban is worn in India, they'd allow the Stetson? No, because they wear the turban, and that's their right, and anyone that suggests lowering Royal Canadian Mounted Police from the old original . . . I came to this province when I was only eight years old. I've seen it grow up, and my greatest respect is for our Mounties, and I don't think they should be lower. If we cannot be Canadians, get the hell out. Let's stand up for Canada and be Canadian.

That's the way I feel about the whole thing with this last speech. The rest of the speeches were very good, but to my way of thinking . . . Some are talking about bulldozing the house down because two roads need renovating. We're not going to change our Constitution on private lands. I think the main issue as we know today is the Senate issue and the issue of having Quebec. As far as Quebec is concerned, we should not sacrifice the rights of any other province or any other people. We have done too much of that today.

I'll tell you just one instance, ladies and gentlemen, right here. Years ago I used to run a dairy. We had creameries right across Canada. You know why they were closed? Because 48 percent of the butter is being made in Quebec and sold to us in Alberta. I do not agree with things like that.

Quebec is welcome in Canada. If Quebec leaves Canada, she's not going out as who she thinks she is, because Ungava, the territory Ungava was added to Quebec, and Quebec would have no right to take out any more than they came in with. They would have to be prepared to take their share of the national debt, and they already owe $40 billion, one of the heaviest provincial debts. The one reason, ladies and gentlemen, that we've got the $400 billion debt around our necks, a debt that is impossible to pay even under this new tax; it will only raise half enough to pay the interest and nothing on the principal. We'd have to double that tax from 7 percent to 14 percent plus another heavier tax to raise enough money to start paying the principal.

I have worked in finance since I was only a kid, and there is only one hope, ladies and gentlemen, to pay that debt today, and that is to do the same as I did with a friend of mine. He borrowed some money from me. He had tough luck. He was unable to pay it back. He came to me one day and said: "Harold, I've got a little money. How much do I owe you?" I said, "You know what you borrowed." He said, "Yeah, but what about the interest?" I said, "You give me the cash I lent you. We'll forget about the interest, and we'll shake hands." We did and we remained friends. We cannot pay the interest on this national debt today, ladies and gentlemen, and still pay the debt. Let's go to the people that loaned it to us and be frank. Just simply tell them: "We cannot pay the interest. If you want the interest, you lose the whole darned thing. But we will as fast as possible refund the money that we borrowed." We can do that. We will never ever pay the debt without bringing the people of this country, ladies and gentlemen, down to slavery, and I know they will not stand for it.

Anyway, thanks ever so much for a chance to saying a few words.

MR. CHAIRMAN: Well, thank you very much for your comments.

Ladies and gentlemen, it has been a long day. We have listened carefully, as we indicated we would, and we gave a chance to anybody who wanted to give their views to us to do so. But I am now going to adjourn the evening and thank the people of Lloydminster and this region for having come forward with their views.

I can assure you and those of you who have listened to everything that's been said that there has been a wide divergence of opinion on key issues. You will know that that being the case, we will have to make judgments as to what we tell the Legislative Assembly when we report back to them as to our findings. But your thoughtful consideration of this issue and your obviously real and deep concern for Canada is very gratifying to the members of this panel. I now declare the meeting adjourned.

[The committee adjourned at 10:24 p.m.]

1:02 p.m. **Tuesday, May 28, 1991**

[Chairman: Mr. Horsman]

MR. CHAIRMAN: Ladies and gentlemen, I'd like to call the panel to order and take a moment or two just to explain what we are doing and how.

First of all, my name is Jim Horsman. I'm the Member of the Legislative Assembly for Medicine Hat, and I'm the chairman of this Select Special Committee on Constitutional Reform established by the Alberta Legislature and composed of all parties in the Legislature. There are actually 16 members of the committee, and we've divided it into two panels. This panel is traveling together. At the same time, another panel is traveling together; they are in Grande Prairie today. Yesterday we were in Lloydminster, and we'll return to Edmonton tomorrow for some extra hearings there so that we can accommodate the number of people who have come forward there to make requests.

Each presenter who has indicated their intention to make a presentation will be entitled to 15 minutes. We have a bell which will ring at the end of 10 minutes. At the end of that 10 minutes when the bell rings, you as a presenter can bring your presentation to a conclusion to permit some questions from the panel and so that we can have some dialogue. We don't stick to it precisely by the moment and don't cut anybody off in midsentence, obviously, but it is helpful to try and get the point of view across in that period of time if at all possible.

I'd like now to ask my fellow panelists if they would just introduce themselves so that you know who is who. On my far left . . .

MRS. GAGNON: Thank you. I'm Yolande Gagnon, and I represent Calgary-McKnight.

MR. HAWKESWORTH: Bob Hawkesworth, Calgary-Mountain View.

MR. ADY: Jack Ady, MLA for Cardston.

MR. SEVERTSON: Gary Severtson, MLA for Innisfail.

MS BARRETT: Pam Barrett, Edmonton-Highlands.

MR. ROSTAD: Ken Rostad, Camrose. I'd welcome everybody from outside Camrose to Camrose, and hi to those who are from here. Thanks for coming.

MR. CHAIRMAN: Yes. It's always a pleasure for me to return to my birthplace, since I was born here, although I only lived here for a week and was raised in Meeting Creek, which isn't too far down the road. I say I lived here for a week because that's the length of time my mother kept me in the hospital.

In any event, it's good to be here. We have a number of presentations. It looks like a full afternoon, and therefore I'd like to commence by asking Roy Louis to come forward and make his presentation.

MR. LOUIS: Mr. Chairman, I have a prepared statement I'd like to make.

MR. CHAIRMAN: Can everyone hear at the back? No? Okay, we'll have to get you to speak right into the microphone and tilt it up a bit, Roy. It would probably help.

MR. LOUIS: Testing, one, two. Is that better?

MR. CHAIRMAN: Good.

MR. LOUIS: Mr. Chairman, members of the panel, ladies and gentlemen, tansi. Good afternoon. My Cree name is Musqua, which means "bear." I'm a member of the Samson Cree Nation in Hobbema. I consider myself to be a strong treaty Indian, a strong Albertan, and a strong Canadian, and I want to be part of Alberta's commitment to our country's unity. This presentation will be brief, as I understand Mr. Bear Robe of the Blackfoot Nation gave his historical presentation from the Royal Proclamation to the Canada Act in a previous round table discussion.

I have made a deliberate attempt to appear before you today as an individual, not as a representative of any nation, organization, or political party. I do this to support your research for a grass-roots response to this crucial issue. I have some thoughts and recommendations for you to consider. A cynical person might say this would be free advice.

To start with, I would like to give some serious credit to the leaders in this province. Sometimes Albertans need to be reminded that this province does care for its people. Speaking as a native person, I will say anytime that Premier Getty has been a tremendous ally of our people in leading other governments in relevant, productive initiatives for native people. Thank you to Mr. Horsman and his cabinet colleagues for their support. It has been tough. Native people and issues have only become trendy this past year, thanks to people like Kevin Costner. Seriously, I thank you for making some possibles happen to grass-root Albertans like myself.

This province has had some political firsts for aboriginal people. The first treaty Indian Senator appointed in Canada was James Gladstone, from the Blood reserve in Cardston. The first treaty Lieutenant Governor was a Cree leader from Saddle Lake, the late Ralph Steinhauer. The first treaty Member of Parliament is Willie Littlechild, from the Ermineskin reserve, one of the four reserves in Hobbema.

In economic development the Samson Nation's Peace Hills Trust, which I helped found, is Canada's first and North America's largest Indian-owned financial institution. Alberta's entrepreneurial spirit has also encouraged the development of an Indian-owned insurance company, hotel chain, logging companies, shopping malls, and land in many parts of this great province held by native people. Alberta's treaty Indians who are members are exceptional and have also been exceptional in education, sports, the professions, and the arts.

As past president for the Indian Association of Alberta, the organization which represents this province's treaty people, I am frustrated that I must constantly explain what a treaty Indian is and what we represent geographically and culturally. Our province has three treaties. Treaty 6 was signed in 1876 and covers the central Alberta and central Saskatchewan area. Treaty 7 was signed in 1877 and covers the area in the south of the province of Alberta. Treaty 8 was signed in 1899 and covers all of northern Alberta, the northeast corner of British Columbia, the southern tip of the Northwest Territories, and the northern part of Saskatchewan. Within these three treaty areas we have eight different linguistic groups. The Cree are the dominant treaty people in Alberta and in Canada. Other groups in Alberta are the Blackfoot, the Stoney, the Dene, the Chipewyan, the Sarcee, the Salteaux, and the Beaver. Alberta has two of the largest reservations in Canada and the smallest. We have the wealthiest and, sadly, the poorest. Our treaty payment, prescribed by the treaties our forefathers signed, is $5 a year, and I'm going to assure the panel that this is without interest since Confederation.

We are also not that far removed from the Indian agent days, when our people had to ask permission to travel from the reservation to go to the doctor, to have an operation, to get a permit to sell their cow or horse, relinquish their treaty rights to go to college, or even defend our country during the world wars. We still have to ask permission of the federal government, the department of Indian affairs, to spend our resources provided to us, to develop our economic development opportunities, and to educate our children.

1:12

Canada's indigenous people are comprised of 54 different tribes plus the Inuit and the Metis. Our people were never conquered. We have our heroes too, like Poundmaker, Big Bear, Pakan, Almighty Voice, Bobtail, and many others who protected their people from marauding tribes, outlaws, and invading governments. What identifies us as a group and in nonnative eyes makes us the Indian problem is the outdated and decrepit and discriminatory Indian Act.

Speaking as a Cree Albertan, I feel true unity for our country cannot be accomplished and provide the security we all want until there is a real, tangible equality and respect for native Canadians. This must start with the recognition of our treaty rights and an opportunity to make the Indian Act more relevant. The whole spirit of the Indian Act is paternalistic. The perception it gives is negative. It defines the individuals as incompetent, unable to conduct the most basic of personal business and local government. The Indian Act has had one major revision, in 1951, and at that time they provided for the inclusion of section 88. In 1969 Minister Jean Chretien believed the department of Indian affairs could be phased out within five years. In 1984 David Crombie proclaimed he would be the last minister of Indian affairs.

Today Indian people are still angry. They're frustrated and growing very impatient. We have only to reflect on last year's traumatic events across Canada; it was a very hot Indian summer. Now the constitutional dilemma continues to simmer and threaten Canadian harmony. For many this is bad. For my people we view the opportunity to question, to discuss, and to come to a consensus as very positive.

Under section 35 of the Canadian Constitution existing treaty and aboriginal rights are recognized and affirmed; treaty rights will be protected. However, our rights continue to be in conflict between governments. At the First Ministers' Conference in 1983 the first priority of the federal government was to get an equality amendment entrenched. Getting Indians and Inuit to conform to the equality provision was a very high priority. Entrenching Indian self-government based on Indian aspirations was not. In this wonderful, democratic country, in this beautiful, exciting province why do native people still have to explain the basic concepts of self-determination and self-sufficiency? Why are these rights available for every other Canadian who was born here and presented to naturalized Canadians? Why must we still ask permission to be players in our own country? Why in this country, where owning your own farm or home is standard, a basic part of life, are land claims so threatening and so hard to understand?

In relation to the treaty Indians in Alberta, the Indian Act has historically been a double-edged sword. On one hand, the Act has ensured that the unique status of the people would be preserved and protected, albeit in terminology and provisions that were suited only to the officials of the federal department of Indian affairs. On the other hand, the Act has inhibited autonomous actions by the chiefs and councils in ways which have damaged the political, social, and economic development of reservations and human resources. I don't think anyone wants to maintain the oppressive status quo of the Indian Act. Constructive protection has been desired by our people, with a proactive opportunity to pursue self-determination that would develop into self-sufficiency.

Mr. Chairman, here are my suggestions for your task force to consider. One, the government of Alberta together with the government of Canada should commit to pursuing with aboriginal Albertans an amendment to entrench the right to self-government. Number two, section 91(24) of the Canada Constitution must be preserved to safeguard our treaty Indians' political, social, and economic interests; number three, that the government of Alberta help secure a bilateral process on the definition of the treaties; four, that the Indian First Nations be encouraged to draft a model constitutional amendment that will protect and strengthen the treaty rights in the Canada Act; and finally, number five, that the aboriginal people be invited to participate in any future first ministers' conferences where issues being discussed have direct impact on the First Nations of Canada.

Mr. Chairman and panelists, treaty Indians are Canadians, and we have no place to go back to. This is our homeland. We should never again be excluded from constitutional talks. We want to help identify Canadian issues. We want to help solve the problems. Happy or troubled, we want to be part of it all as full, respected Canadians.

Thank you.

MR. CHAIRMAN: Thank you very much, Roy. Questions or comments?

Yes, Ken Rostad.

MR. ROSTAD: Thank you, Mr. Chairman. Roy, last night in Lloydminster we had a chap who said that we should get on with our land claims, settle them, but that the land should not be given to the bands, to the council, but should be given to the individuals. Do you have a position on this? The chap was not aboriginal, incidentally.

MR. LOUIS: Well, I think you will find that certainly we do have those collective rights under the Act presently, and I think those are things that need to be addressed by the communities themselves, if that's the wish of their people or their tribal members. But I don't think that would take place, because there are a number of areas across Canada where land claims have not been resolved in total. However, I want to thank this province for taking the initiative to settle land claims. Without naming the places, I think it's great because you must get the province on side when we talk about land claim issues.

MR. ROSTAD: A supplementary. Do you have a definition of what self-government or self-determination is? I know you started out saying that we often get hung up on a definition. Are you getting at that an Indian nation should be a sovereign nation within Canada or just have the ability to determine some of your own destiny within the laws and Constitution of Canada?

MR. LOUIS: The future destiny of our tribes, whether they be in Alberta or any other part of Canada, has to come from the wishes of the people. In that regard there are certainly issues that need to be addressed. In my own interpretation of self-government there's two that have happened in Canada. One is the Cree-Naskapi (of Quebec) Act and the other is the special Sechelt legislation that occurred in 1987 with the band in B.C. If we are going to do something constructive, the bands, or the First Nations as they call themselves now, have to be given more legislative authority from governments to take over their basic rights as human beings. I don't think they should go ask the minister of Indian affairs whether it's a good idea to buy land off the reserve or go into economic development ventures with his approval. Those initiatives have to be given to the bands. Unless we have something like that in place, I think it's going to be very difficult to try and say that this is a blanket problem or an issue that's good for the Montagnais in Quebec or the Haida in B.C.

MRS. GAGNON: You said that the Indian Act has to change, and I think you spelled out a few ways in which it should, but what about the department of Indian affairs? Would you like to see it phased out, or must it remain in order to administer the Act and so on? What are the dangers of phasing it out totally?

MR. LOUIS: Indian affairs, since Confederation, is one of the oldest departments in Canada, as you are aware. I don't think it's a question where you want to phase out the department of Indian affairs completely until our rights and our entrenchment of self-government are identified in the Canada Constitution. Until that is done, Indian affairs will continue to exist for as long as there are people that want those particular things to happen within their tribes. I think it's important to say that if the native people are ready to progress into their own affairs, it should be at their own timetable, not at any government's whim saying, "There it is, fellas; take over."

1:22

MRS. GAGNON: And the timetable might be different for different nations as well, right?

MR. LOUIS: I think that's the problem that's facing Canada, why people say it's so confusing many times when we talk about self-government for native people. Like I say, what is good for the Innu in Labrador is not good for the Cree in northern Alberta. There has to be some consensus, and I think in Canada right now there's certainly consensus to have a form of self-government. There are certainly issues that we'd need to resolve, like land claims, and those are being done.

MRS. GAGNON: Okay; a supplementary. Another issue, I think, is education. About six years ago I was on a committee where we started our section on education for native people by saying that it was deplorable. Would you say that the situation has improved? Secondly, should education become a provincial jurisdiction administered by the band education committee, or should it remain a federal jurisdiction?

MR. LOUIS: My own interpretation of that is that education is a federal responsibility under treaties. I think it's important at this point in time that that's carried through by the federal government. In terms of education, yes, it has been a big problem for native people across Canada, but I think – and I want to give you some background information on that. In 1960, according to the statistics I have seen, there were 60 aboriginal students in postsecondary institutions in Canada. In 1989 and '90, last year, there were 18,500. So there has been a tremendous amount of improvement in terms of education, and that has to continue. We're seeing now that our people are getting into university not only in the arts programs but also in more specialized areas, like social sciences or the science area. So I think that's good. I also want to further point out that a few years ago there were no native lawyers in the country, but last year I think 140 people across Canada were are aboriginal lawyers.

MRS. GAGNON: Thank you.

MR. CHAIRMAN: Bob Hawkesworth.

MR. HAWKESWORTH: Thank you, Mr. Chairman. Mr. Louis, could I just ask you, first, a clarification? Could you repeat your fourth suggestion again? Is there a chance, also, that we could get copies of your submission for everyone?

MR. LOUIS: Yes, Bob. I'll leave a copy with the chairman if that's agreeable.

The fourth recommendation I had was that the Indian First Nations be encouraged to draft a model constitutional amendment that will protect and strengthen treaty rights in the Canada Act.

MR. HAWKESWORTH: Okay. You also mentioned in your point three about the bilateral process something about the definition of treaties and, as well, an entrenchment of the right to self-government. I'm just wondering if I could ask you to sort of explain how you see those three working somewhat on three different parallel tracks but also mutually supportive. Could you just spend a minute or two to talk about that a bit and expand on those three points?

MR. LOUIS: In western Canada, Bob, as you're aware, we consider the treaties that were signed in the prairies as very strong. I think if you talk to a lot of our elderly people, they will tell you frankly that the ink has not dried on the articles of treaties that were signed, whether they were signed in 1876 or 1877 or 1899 or other treaties in western Canada. There is, I think, some question at times by governments as to what the treaties really mean. This is a process that has to be developed between the First Nations in the country and the federal government. They cannot hide behind – whether we want to call it legislative things or political issues or whatever, those are rights that need to be identified and developed by the governments and by the First Nations.

I think with those issues at times it's really difficult for native people to say, "Well, how come the governments do not want to understand or fail to understand what we're after in terms of treaties?" If you go within the different treaty areas, there is a very strong feeling that those treaties have to be identified and they have to be protected. Right now you talk to some of the native people and they'll say, "Well, our rights are there." They're recognized, but they can't seem to identify what those rights are.

MR. HAWKESWORTH: I guess just one last clarification or supplementary. As we've gone across the province, we've heard some people say to us that in the new Constitution they want everyone in Canada to be treated exactly alike: no special status for any special groups or any individuals or groups of Canadians. Can I take from your comments this afternoon that in the case of Indian people there is a difference that stems from treaties and a recognition that almost from the beginnings of the country there has been a special status for aboriginal people?

MR. LOUIS: Because of the legislative authority under the Indian Act – and it's been there since Confederation – yes, there is definitely an issue that has to be resolved by governments. With what's happening in the country now, I think those have to be properly identified as far as the aboriginal people are concerned. If we don't, I think there's going to be some problems, some issues that will continue to simmer with the aboriginal people in the country.

MR. CHAIRMAN: Thank you very much, Roy. You've touched on a number of interesting points. I just wanted to briefly comment on one of the points you made. You indicated that things which may be good for the aboriginal people of Labrador are not necessarily appropriate for the Cree of Alberta. There is in fact, although it has tended to be blended into one in the minds of many people, a very vast degree of difference in the relationships between the aboriginal peoples throughout Canada. Is that not correct?

MR. LOUIS: I think that is correct, Mr. Chairman. In our own province there is still at times some tribal animosity with some of the tribes here in this province. I think people should be aware of that, although I guess I wouldn't argue with anybody when they say that the two founding tribes in this province are the Cree and the Blackfoot. Yes, there is animosity with tribes.

MR. CHAIRMAN: I wasn't thinking of that so much as the fact that Alberta and most of Saskatchewan, et cetera, are covered by clear treaties, or at least relatively clear, and British Columbia is not covered by treaties. That makes the situation quite different in terms of the way the government would relate to the Indian nations.

MR. LOUIS: Yes, because it's an issue of aboriginal title in British Columbia. I think that's something that's very contentious, and it's going to be contentious with the people in British Columbia other than the portion I mentioned in the Treaty 8 area, where it covers the northeast portion of the province of B.C.

MR. CHAIRMAN: So there's a great deal of uncertainty in our neighbouring province to the west as opposed to what we have here in this province.

MR. LOUIS: Oh, much. I think if you want to take that further, in tradition the Haida and the Mohawks are matriarchal, so they deal with their clan mothers in their longhouses. The Crees and other tribes in Canada are patriarchal, so we listen very dearly to our elderly scholars.

MR. CHAIRMAN: Well, thank you very much, Roy. You've given us some very useful thoughts, and we shall carry those forward. Thank you very much.

MR. LOUIS: Thank you for allowing me to be here. Thanks.

MR. CHAIRMAN: And we will get copies of your presentation?

MR. LOUIS: Yes.

MR. CHAIRMAN: By the way, I should mention, too, that we have copies of the presentation. If anybody in the audience has some written material they would like to have us all receive copies of, please give a copy to the secretarial staff. They will then photocopy them and make them available to us. It's helpful to us to have the written material, and then we will, of course, circulate copies of any written material to the other panel, as I mentioned earlier, which is now sitting in Grande Prairie.

Cathy Meade, the Alberta Status of Women Action Committee.

1:32

MS MEADE: Well, good afternoon. I come before you today with Moyra Lang, representing the Alberta Status of Women Action Committee. We are the largest feminist organization in the province of Alberta.

From the outset, on behalf of our group and other such groups I wish to express our concern and dismay, really, regarding the time period between being informed of these hearings and the date of their commencement. It just simply was not an adequate period of time to prepare such a thorough presentation as we'd like to present for you. We felt quite pressured, actually, by the paucity of time, and relied heavily on the Alberta Advisory Council on Women's Issues' discussion paper on constitutional reform. So our hopes would be that in the future there'd be more notice to prepare for such issues.

The entire Constitution affects the lives of women in some way. We would like to focus on some of the areas that are of particular concern to Canadian women. These areas are: the Charter of Rights and Freedoms, decentralization, and the representation of women in the process of constitutional reform and in federal institutions.

Certainly women took feelings of hope, pride, and empowerment from their success during the constitutional reform process of 1980 to '82. Women became rights bearers, and we finally had a constitutional identity, a means by which to seek equal status, rights, and benefits within Canadian society. There have been suggestions that certain rights be added to the Charter; for example, property rights, fetal rights, social and economic rights. These are all clearly of interest to women. Property is something that women generally have less of than men. Presumably, therefore, protection of property rights would disproportionately benefit men. An expressed recognition of fetal rights would place significant limitation upon a woman's right to control her body and the process of reproduction.

Perhaps the most interesting of those rights suggested for inclusion in the reform Charter are social and economic rights. Presumably, Canadians would have a constitutional right to those benefits and services which are required for a reasonable standard of living. These might include the right to health care, individual accessibility to education regardless of economic circumstance, housing, and perhaps a guaranteed income. The recognition of such rights would go far to improve the living conditions which characterize the existence of many Canadian women and their children. The feminization of poverty is a major concern to the Alberta Status of Women Action Committee, and we consider poverty to be a disability.

The recognition of such rights would force, probably, a long-overdue rationalization of the plethora of social welfare program initiatives that presently exist at both the federal and provincial levels of government. It might also be that if such rights are included in the Charter, women have less to fear from greater decentralization.

Constitutional discussions thus far suggest that greater decentralization is inevitable. Some powers likely to be relinquished by the federal Parliament will be of particular importance to women; for example, limitations on the federal spending power, and jurisdiction over divorce. Many women have considered their governments as less tolerant and receptive to their demands for equality than the national governments, and this would seem to be the case in Alberta. It's more difficult for intolerant groups to gain sufficient support to influence the creation of policy and programs in the federal government than in provincial Legislatures. Further, on a practical note it might be more efficient for women's groups to direct the bulk of their lobbying efforts to one government as opposed to 10. That way, once the federal government is convinced of the need for a program or initiative, it can ensure its availability on a national basis. For example, although the provinces already have significant jurisdiction in the area of health, it would be difficult to support any attempt to limit the federal spending power under which the federal Parliament is able to set up conditions upon which provinces receive funding to help pay for medicare. These federally imposed conditions prevent provincial governments from, among other things, undermining the principles of universality and accessibility.

Another area in which decentralization would impact women is in relation to the jurisdiction over marriage and divorce. This presently resides with the federal Parliament by virtue of section 91(26) of the Constitution Act, 1867. The main concern for women is that if this jurisdiction were to be granted to the provinces, it's quite likely that different grounds would be available in different provinces, creating inequitable and inefficient provincial variations. Some provincial governments might be antagonistic to a broadly based access to divorce and could take the opportunity to legislatively restrict the grounds on which divorce would be granted. If other provinces had less restrictive grounds, then this would encourage men and women in forum shopping. However, it would be more difficult for women, with their limited mobility, to move to another province to establish residency for the purpose of gaining a divorce. Women's lack of mobility stems from their lack of financial resources and their primary responsibility for child care. Women who find themselves trying to escape violence could find themselves trapped in a province or area because of each province having the right to set its own standards regarding marital failure.

Clearly, then, it is imperative that great caution be exercised in the area of complete decentralization. To date provincial Legislatures have been most circumspect in their use of section 33. A more frequent use of this opt out clause by provinces could lead to a patchwork of rights across the country, with the nature of citizenship varying from province to province. There have been few expressions of willingness to give up this constitutional out; hence, this section is not likely to be repealed, but this opt out clause is of great concern and needs to be addressed further. Many feel that this would erode the rights of all to have access to similar programs on similar terms regardless of where they live in Canada.

Women continue to be significantly underrepresented in the institutions of government. In the House of Commons women represent 13 percent of the total members, in the Senate 12 percent, and in the Alberta Legislature 15 percent. Now, clearly this has increased over the years, and we recognize that change takes time. It's been calculated that at the current rate of increase it will be approximately 839 years before women are elected to the House of Commons in equal numbers to men. While in the long run it's important to increase the number of women sitting in Parliament and in provincial Legislatures, in the short term women must ensure that they are heard in the ongoing constitutional reform process. History, both recent as in Meech Lake and past, in the 1867 Constitution Act, clearly demonstrates that when women do not have an active role in the process, they're excluded from the finished product. The Supreme Court of Canada has excluded women's experiences in the development and application of legal principles. We need to review. Perhaps the Constitution should entrench a requirement that a minimum number of women serve on the Supreme Court. Recent comments by retired Justice Bertha Wilson and Madam Justice McLachlin would support this. It's important to have women participate in the judicial process so that possible biases can be revealed and understood.

In conclusion, although the gender-exclusive history of Canada's constitutional formation and reformation has rendered women neophytes in this process, women will not be reticent in this round or any subsequent rounds of constitutional talks. Canada is a complex society in which diversity of experiences and perceptions must be recognized and accommodated. Women want their experiences to be considered and reflected in the Constitution, and we will be a part of the process.

Thank you.

1:42

MR. CHAIRMAN: Thank you very much.

Questions? Comments? Jack Ady.

MR. ADY: Thank you, Mr. Chairman. The statistics you gave us for women participating in institutions, particularly the Legislature and the House of Commons, indicated about 15 percent in our present Legislature in Alberta, which is accurate. But you didn't really give us the formula that you have in mind of how that might be changed as opposed to the present system that's there where it's a competitive thing and just whoever wins a nomination and a subsequent election finds a seat in both of those Houses. From your position, what would you suggest how that might be changed?

MS MEADE: Myself, I see two things happening. One, women need to be encouraged to run for such positions. I know in many cases that it's not a matter that people aren't voting; often a lot of women simply aren't running for positions. So there has to be an encouragement for women to run in these positions. Then, secondly, when they do run, I think there also has to be more societal acceptance. As we've seen, there has been increased societal acceptance, but a greater societal acceptance for constituents to be represented by a woman. So, myself, I see those two things.

MS LANG: And education being more accessible to women who are living in poverty: I think that would definitely help support the increased number of women.

MR. ADY: Okay. Yesterday we received a presentation from your organization, and I didn't get a chance to ask the presenter a question that I would like to put to you. In that presentation she indicated that professional women receive some benefits from government that nonprofessional don't get, particularly in the way of financial assistance for them to work outside the home. I gathered that was in the form of day care assistance, in those areas. She seemed to be advocating that some financial assistance be given to those who choose to stay at home and are homemakers and mothers, on an equal basis. Now, I didn't pick that up in your presentation, but perhaps you'd be prepared to address that: whether you're advocating that those who are presently receiving financial support should receive none or less, or whether you are advocating that those so-called stay-at-home mothers might receive some compensation for that vocation.

MS LANG: Well, I think that in the past feminists haven't really shown support to homemakers. I think that basically our country is really run on a lot of unpaid work of housewives and mothers. I know there's a group of women here in Edmonton who are trying to put together a proposal for a homemakers' pension. We offer support to them, and that is the way in which we would like to see some support. I think it needs to be looked at. Definitely, yes.

MR. CHAIRMAN: Bob Hawkesworth, and Pam Barrett.

MR. HAWKESWORTH: Thank you, Mr. Chairman. I'm just wondering, if I take it correctly from your presentation, whether you're strongly in favour of the current division of powers between the federal government and the provinces, or are you even advocating perhaps stronger powers to the federal government than exist at the present time?

MS MEADE: On the issue of decentralization I personally cannot say outright that there should be no decentralization or say that all powers should be with the federal. My point is that when we're looking at issues of decentralization, to consider how it will impact people across a variety of socioeconomic spheres. In terms of health care, that's a very key thing that affects everyone: men, women, and children. It's just that women – it's quite clear that they tend to be found more in a position of poverty, so we suggested that this will have a great impact on women if there are, say, user fees or that sort of thing associated with health care. In the same way with divorce: the poorer financial base that women are at and that they have will affect them as they deal with a variety of, say, divorce laws or whatever between provinces. Does that answer your question?

MR. HAWKESWORTH: Okay; fair enough. But the Allaire report in Quebec contemplates areas where the Constitution identifies the provinces as having jurisdiction, where the federal government should get out of it totally, that being, for example, health care. Other areas like agriculture that are a shared responsibility: they're also advocating that those become areas of exclusive provincial jurisdiction. Now, in terms of the negotiations that are likely to take place over the next little while in terms of reforming the Canadian Constitution, what is your advice to Alberta as far as that proposal from Quebec? Do you think we should buy into a major shift along the lines that are being proposed by the Quebec government? Can you give us any thoughts on that? I notice today even the Liberal government in Quebec is saying they're now determined that they're going to introduce user fees into our health care system. I think these issues are important ones, and I'm just wondering if you can give us your views on it.

MS MEADE: Speaking for myself, I think universality is very key, particularly in dealing with health care. We've seen an example of that. Unfortunately, I can't think of something less controversial, but we saw an example of that in the B.C. Supreme Court when that particular province didn't want to grant the abortion procedure to be part of their medicare program. While the Supreme Court made their decision on other things, they did point out the risk that is run when a provincial government steps aside from what has been set federally, and the fact that there are federal dollars coming to that province – that's what helps keep the province in line in terms of universality across the country. So I would say that in terms of health care, for example, that's something I would suggest, that Alberta then also push to let some sort of power rest with the federal government and not take it on completely themselves.

MR. CHAIRMAN: Okay; we're going to have to speed things up a little bit, folks, both in terms of the questions and the responses.

Pam Barrett.

MS BARRETT: Thank you. One question: did you folks talk about the process that you want to see happen after these hearings conclude? If you did, could you indicate what that process would be prior to entrenching new changes to the Constitution? If you didn't discuss it, it's okay.

MS MEADE: My answer is really close, and it's very quick. No, we didn't, did we?

MS LANG: I think we just talked a bit about what our main issues were around our concerns that we wanted to bring up. Again, this entire month there's been the two of us running the whole establishment provincewide, so we felt really pressed. I'd like to thank the Alberta Advisory Council on the Status of Women, because we've relied heavily on all of their documentation and research.

So to answer your question, I think basically our stand is that we would just really like to be present during the process.

MS BARRETT: Whatever process.

MS LANG: Right.

MS BARRETT: Thanks.

1:52

MR. CHAIRMAN: Thank you very much. It's not perfect, but 25 percent of the members of the select committee are women, so there's a little progress made in that direction. We do want to thank you very much.

There's one little point I'd like to make, and that is your concern about limiting of federal spending powers within the Constitution as a future thing. Some of us in provincial governments are concerned about getting the federal government to live up to their commitment for funding for such things as medicare and education and so on.

MS BARRETT: All of us.

MR. CHAIRMAN: All of us are, and that's one of the big concerns we have about making sure that once social programs are in place, the feds draw back and then leave it to the provinces. That becomes a very real concern to us.

MS LANG: Yes, I can understand that.

MR. CHAIRMAN: Thank you very much.

MS LANG: Thank you.

MR. CHAIRMAN: Frank Fitzgerald.

MR. FITZGERALD: Mr. Chairman and members of the committee, first of all, I'd like to say that I'm very grateful for having lived in Canada all my life and being a Canadian citizen. I don't envy a citizen of any other country on the whole planet.

Now to speak about the Constitution. I'm perfectly satisfied with the Constitution the way it is. It's not perfect; there are very few that are, but I would prefer the Constitution as it was interpreted under the BNA Act when Confederation promulgated. That was up until about 1939, when the powers of the provinces and the powers of the central government seemed to diverge someplace along the way. However, it wasn't perfect either. The criticism I had of it was the way they treated native people and different little minor things . . . Well, they weren't minor to the people that they happened to.

Anyway, to get on with the bit about the Constitution that you wish to change. I prefer it the way it is. I prefer no change at all, but again there are minor changes. In the Charter of Rights I would prefer that there was a provision for property rights and also something that would guarantee the native people what they've been seeking for so long.

There's one concern I do have that is paramount, and that is the business of the monarchy. I cannot see how we can go on and on and on staying with the monarchy and having a Queen of England speaking for England or Britain or whoever she chooses to speak for, no matter what country she goes to. It's just becoming ambiguous. Here we had the Queen of England not long ago speaking before both Houses, the Congress, about the glory of the war in the Persian Gulf and how the two peoples came together and the coalition. It certainly wasn't my interpretation of a stupid and obscene war that happened there.

Now, I don't how this would come about. Actually, all the different things that have happened over the past 400 years can't be blamed on the Queen herself or whoever was the monarch at the time, but these are all still there; people all over the world still blame them for this. There were some good things that happened, but these will be forgotten. Sooner or later, when we start teaching the kids in the schools and they grow up here with a monarch that is the Queen of England and is designated as such no matter where she goes, something has to change. I mean, it doesn't have to be today. This business of governments just shoving behind the table and calling the different corporations that they incorporate Crown corporations, and they're a little above the law – well, that's all I have to say about that matter.

If there are going to be any improvements in the Charter, I'd sure like to see the right of property put in on that. I'd like to see more freedom of information incorporated into the Charter if they're going to change the Constitution.

That's about all I really have to say.

MR. CHAIRMAN: Thank you very much.
Questions? Jack Ady, Yolande Gagnon.

MR. ADY: Thank you. Mr. Fitzgerald, you're aware that our Constitution has been repatriated and that we do have a Canadian Constitution now and that since 1982 Quebec has not been a part of that Constitution. As you know, Meech Lake was an effort to bring Quebec into the Constitution, and it failed. Consequently, it's caused Quebec to decide that if they're not a part of Canada, they're going to take a look at not being a part of Canada. I guess when you say you'd like to see the Constitution stay just as it is, does that mean you're prepared to just let the chips fall where they will as far as Quebec is concerned and that there should not be an effort made to negotiate some agreement between Quebec where they might choose to stay within Canada? I'm not clear on your rationale, leave the Constitution as it is, when we have the Quebec thing to deal with.

MR. FITZGERALD: Well, I'm prepared to do anything to keep Quebec in the Constitution or any other province or Canada as it is, and I think I did say in my preamble that I liked the way Canada was governed under the British North America Act. I liked it because I didn't know that much about it, and I was perfectly happy in Canada. But I think that under the British North America Act there was no way Quebec could get out. I don't think they can get out now, and that is one of the problems. I don't necessarily believe that abolishing the monarchy – I mean, if some people are happy with it, then it's all right. But I think that all the promises to the native people were in the name of the Queen at the time Confederation came about, and I don't know how you would lessen the importance of the monarchy. I really don't know how; I'm just hoping.

MR. CHAIRMAN: Yolande.

MRS. GAGNON: Thank you. Mr. Fitzgerald, in Edmonton, on Friday night I believe, our former Lieutenant Governor Helen Hunley spoke about the monarchy and indicated that since it was for many a symbol of peace and harmony and unity and so on, we should not touch it, at least not in this round of constitutional talks. How would you respond to that?

MR. FITZGERALD: Well, it must be met, and it must be put on the table. That's all there is to it. As far as – well, I'm sure if you were in India or some country like that, I don't think you'd think the monarchy was the symbol of harmony.

The other criticism I have is that people are always saying that the monarchy is apolitical, which it is not. No matter what country they go to or when they speak in Britain, they always toe the political line. They daren't get out of it too far, if it's a political matter. I'm sure that when the Queen was speaking in Washington, she was just toeing the Parliament of England's line. She either has her speech made up for her or she knows exactly what she's supposed to say, one or the other, but I haven't heard her avert very far from the line of whatever political party's in power no matter where she speaks.

MRS. GAGNON: Okay. You brought up something we haven't heard yet – at least this committee hasn't heard; I think the other committee has – and that is freedom of information, that that must be entrenched in the Constitution. Could you expand a little? It would be binding on the provinces?

2:02

MR. FITZGERALD: I would say yes it would, especially in economic matters. If anybody doesn't want their name published when they have an agreement with the government, there must be some reason for it. To lay everybody's minds at rest, information must be free-flowing. Now, in matters of military I suppose it could be a little more closed, but don't forget we're in a very technical age. There are computers all over, hanging right on the wall of the Legislature down here in the parliament buildings. Every transaction that goes could be printed there every day for every reporter, or anybody that was interested in it could go and see what happened that day.

MRS. GAGNON: Okay. Thank you.

MR. CHAIRMAN: Thank you.
Gary Severtson.

MR. SEVERTSON: I was going to ask another question, but I have to ask you on the freedom of information question. The interest stabilization program for agriculture is a financial deal with the government with a number of farmers throughout the whole province. Now, is that the type of freedom of information, that every neighbour or any reporter could find out what any farmer had for a loan, or if it was behind or ahead or . . .

MR. FITZGERALD: Why certainly.

MR. SEVERTSON: Okay. I was just wondering if you wanted to go that far.

The question I did want to ask, then, on the Charter of Rights. You said you'd like it to be entrenched. What do you feel that you need to be entrenched that you don't have now for property rights?

MR. FITZGERALD: Well, the right to property and also the freedom of information; that's all.

MR. SEVERTSON: Yeah, you have the right to property. If it was entrenched in the Constitution, what more privilege would you have than you don't have right now on property rights?

MR. FITZGERALD: Well, it's just that it's not written in there now, is it?

MR. SEVERTSON: Yeah, but what right don't you have for property right now? That's what I'm asking.

MR. FITZGERALD: Well, just the fact that it isn't written in there in plain English or French. I know what you're getting at.

MR. SEVERTSON: Well, I don't know what power you would gain by it being entrenched in the Constitution that you don't already have with property rights.

MR. FITZGERALD: Well, for one thing, there's a matter of expropriation. I don't know if any of you people have had land expropriated. When I praised the Constitution before 1939 – it's just a family matter, but we had some land expropriated. It belonged to my mother. She wouldn't accept the expropriation package, so they gave her another piece of land, and when she wouldn't accept that, they expropriated that, too, because she wouldn't pay the taxes on it. So that's what I'm talking about when I say about the property rights. Do you think we have that now?

MR. SEVERTSON: Well, we've got expropriation, but I use the example: I have land along a four-lane highway; I don't think I should have it entrenched in the Constitution that the highway can't be widened because I have that piece of property either.

MR. FITZGERALD: Well, perhaps you're right, and I agree with you on that matter, but that goes along with the freedom of information Act. If you could find out what your next-door neighbour got for his land or vice versa, it might be a little easier for you to accept whatever they say, because if you follow the expropriations along this province and settlements that happen on some of the places, especially around Edmonton, you'll see what I'm talking about.

MR. SEVERTSON: I'll leave it then.

MR. CHAIRMAN: Thank you very much, Mr. Fitzgerald. The subject of freedom of information is very interesting, and of course with so many people coming to government today and asking for loan guarantees either as farmers or small businesspeople, the subject of commercial confidentiality and personal confidentiality is an offsetting issue that governments have had to wrestle with, so we thank you for your comments.

MR. FITZGERALD: I just might say one thing on that. If it was all published, I don't think anybody would be interested in what each farmer got and everything. I don't think that would come forth in the papers. It would just be of interest to the people that were local.

MR. CHAIRMAN: Well, I think lots of neighbours are interested in their neighbours' businesses.
Okay, the next presenter is Max MacFarlane.

MR. MacFARLANE: Good afternoon to all of you. I speak as a relative newcomer to this country, 25 years ago. If my accent throws you, that's too bad.

We are on the question of the Constitution. I lived in Quebec, and as far back as 1965 they were clamouring for freedom. Why have we persisted in balking them at every turn? If they wish to secede from Confederation, why should they not do so? In light of Canada's previous representations in 1963 at the Victoria Falls conference, which dissolved the central African federation, Canada was most vociferous in support of such a dissolution. Why should that not take place in this country? Why should no province have rights to secession? We all talk about a strong, united Canada. It's rhetoric at this point, nothing more. We have committees after committees ad nauseam, none of which are effective. Hopefully this one might change something. I will see that in the results, hopefully.

There are a lot of injustices which I would care to mention. The gap between the have and the have-not people in this country is widening. We hear about tax reform, yet taxes are heaped upon people who can least afford it. We have gone away from the concept of government by the people. A few people in Ottawa tell the rest of us what's good for us: live with it. We are living in an overburdened government. There is a department for everything, most of which is quite unnecessary.

A few other matters that are of concern to me as far as the Constitution is concerned. How much input does western Canada have in Confederation? Very little, if any. We're patronized: tut tut, little boy, there's your nickel; now be quiet. I would say again that if Quebec is insistent upon seceding from Confederation, so be it.

I will touch very briefly on the universality of social benefits. Again, this is unfair. We have persons earning $100,000 and more who are entitled to the same family allowance as persons on the poverty line. Could that not be addressed, or could it be addressed at the risk of offending someone in very high places? I would suggest to you that poverty and injustice are the parents of radical idealism. We don't want to see that come into this country, do we? The rubric "woodenheadedness" was coined as a phrase some 28 centuries ago as a result of the Trojan War. We are making that same mistake today, or the mistakes that were made in that era. Consider that we've advanced technologically and in every other way, but government repeats the same mistake. Rather than belabour you with any further rhetoric, I will just say that unless something is done very positively very soon, this country will be reduced to the status of a banana republic, with one attendant disadvantage: we cannot grow bananas.

Thank you, gentlemen.

MR. CHAIRMAN: Thank you. Questions or comments?

Ken Rostad.

MR. ROSTAD: Max, you mentioned that the gap between the haves and the have-nots is widening. Do you have any ideas on how that may be rectified through the Constitution?

MR. MacFARLANE: Well, certainly. The one thing that has to be taken into consideration is that all people are individuals, and we all have our failings, we all have our good sides. Some people have more to offer society than others. Others are being penalized for the fact that they cannot offer as much as the next person. One has only to visit downtown Edmonton to see what I mean. There should be something written into the Constitution that guarantees people at least a minimum acceptable standard of living.

MR. CHAIRMAN: Yes.

Pam Barrett.

2:12

MS BARRETT: Well, pursuant to that, then, you said that universality of some programs is really not warranted. But if you followed your last suggestion, would you then say that we should just spell out in terms of minimal living requirements or what have you the specifics such as medicare, or are you saying drop medicare too?

MR. MacFARLANE: I didn't mention medicare.

MS BARRETT: No, I know. But that's one that is most commonly discussed at these hearings, so that's why I thought I'd ask you specifically.

MR. MacFARLANE: Medicare as a universal social benefit is absolutely essential, as is education.

MS BARRETT: Okay. Thanks.

MR. CHAIRMAN: Any other questions or comments?

Well, thank you very much for your presentation and for coming forward.

MR. MacFARLANE: Thank you again.

MR. CHAIRMAN: Elmer Knutson.

Mr. Knutson, you've given us quite a lengthy written document which we will of course read. If perhaps you wanted to touch on some of the points in your presentation, it will permit us to have some dialogue with you on those points.

MR. KNUTSON: Well, yeah, thanks very much for the opportunity. When I found out yesterday morning at 9 o'clock that I had a chance to meet with you people, I had to work till the wee hours of the morning to get this document put together.

I believe that I am now meeting with probably one of the most important sovereign parliaments in Canada. By saying that, I say that we have never confederated in this country and that we have never had or drafted a people Constitution in this country. So I'm not going to talk about amending the present Constitution; I'm talking about drafting a new Constitution by the people of this country in a constituent assembly and establishing the nation called Canada.

Twenty years ago I began to do what you people are now doing in trying to look at Canada to find out really what kind of a country we had: did we confederate; did we have a Constitution, and did the people of Canada create this country or was it just a happening? So about 20 years ago I began to ask those questions, and it led me to the archives of Great Britain and to Washington and finally to Ottawa. When I began to read and look into the stuff, I really found out that we did not and could not, and I have 4,000 documents to prove that we did not confederate in 1867. The first person who really said that was Lord Monck. In November 1884 the governor in Quebec wrote to his superior in England, the Rt. Hon. Edward Cardwell, M.P.:

> I must in the first place express my regret that the term "Confederation" was ever used in connection with the proposed union of the British North American provinces. Both because I think it an entire misapplication of the term and still more because I think the word is calculated to give a false notion of the sort of union which is desired, I might almost say which is possible between the provinces. They are in no sense sovereign or independent communities. They possess no constitutional rights except those which are expressly conferred upon them by an Act of Parliament and the powers of making treaties of any sort between themselves is not one of those rights.

Then he explains what a Confederation is.

> A Confederation or federal union as I understand it, means a union of independent communities bound together for certain defined purposes by a treaty or an agreement entered into in their quality of sovereign states, by which they give up to the central or federal authority for those purposes a certain portion of their sovereign rights retaining all other powers not expressly delegated in as ample a manner as if the federation had never been formed.
>
> If this is a fair definition, it is plain that a union of this sort could not take place between the provinces of British North America because they do not possess the qualities which are essential to the basis of such a union. They are in no sense sovereign or independent communities. They possess no constitutional rights except those which are expressly conferred upon them by an Imperial Act of Parliament and the power of making treaties of any sort between themselves is not one of those rights.

That was 1867, when they went to Great Britain for the request to become a federal country.

So then we should say: what is a federal union or what would happen if you actually did federate? In order to endeavour to account for the contradictions in Canada's constitutional position and to suggest a remedy therefor, I wish to lay down some fundamental premises on which I shall base my entire argument.

Locke is credited with saying:

> Men being by nature all free, equal and independent, no one can be put out of this estate and subjected to the power of another without his consent. The only way whereby anyone divests himself of this natural liberty and puts on the bonds of civil society is by agreeing with other men to join and unite into a community.

We could go on, then, and talk about a lot of the sayings by various people stating what is a federal union. I have it here, so I won't bother reading it to you.

The next question is then: Canada did not federate under the BNA Act. I submit that the manner in which the Bill was drafted and the manner in which it was enacted throw much light on the answer to this question. The Act was drafted by the law officers of the Crown attached to the colonial office. Lord Carnarvon, secretary of state for the colonies, was chairman of the conference. Sir Frederic Rogers, under-secretary for the colonies, in Lord Blachford's letters is quoted as saying on page 301: they held many meetings at which I was always present; Lord Carnarvon was in the chair, and I was rather disappointed in his power of presidency.

Now, when the Act was presented in Great Britain, the people of Canada went over there with a suggestion, and this is what happened. Great Britain presented a Bill called the BNA Act. The preamble to that is: The union of the British North American colonies – not the Confederation, the union – and for the government of the united colony, whereas the union of the British North American colonies for the purpose of government and legislation would be intended with great benefits to the colonies and be conducive to the interests of the United Kingdom. This is the preamble of the draft Bill submitted by the colonial office.

The people that represented Canada from the Quebec conferences had this as their preamble: Whereas the provinces of Canada, Nova Scotia, and New Brunswick have expressed their desire to form a federal union under the British Crown for the purpose of government and legislation, based upon the principles of the British constitution . . .

I submit to this commission that in my research of some 4,000 documents there is no evidence whatsoever to show that the preamble which we find in the printed copies of the British North America Act in Canada was either discussed or proven by the British Parliament.

My conclusion after all of that research was this: that the provinces of Canada desired a federal union. The Quebec resolutions of 1864 provided for a federal union. The Bill drafted by the Canadian delegates at the London conference also provided for a federal union. The colonial office was not disposed to grant the provinces of Canada the request for a federal union. The British North America Act enacted by the Imperial Parliament carried out neither the spirit nor the terms of the Quebec resolutions. Canada did not become a federal union under the British North America Act but rather a united colony. The privilege of federating, therefore, was still a future privilege.

That's why I'm talking to you today, because that privilege is still here, and you people as members of a parliament that is in control of a sovereign province have a tremendous responsibility in seeing that we do get a federation in this country.

Now, a lot of people of course argue that we did confederate in 1867. There's no legal document that says so. Further evidence that the British North America Act was not a Constitution and that Canada did not become a federal union is found in section 18, paragraph 3, of the Interpretations Act of 1889, 22 years after 1867. It read as follows:

> The expression "colony" shall mean any . . . of Her Majesty's dominions exclusive of the British Islands, and of British India, and where parts of such dominions are under both a central [Legislature] and a local legislature . . . shall, for the purpose of this definition, be deemed to be one colony.

Excepting Canada, no country in the empire had a central and local government; therefore, Canada was one colony.

Now, when did all of this change? Did it change in 1889? Did it change in 1819 when the Imperial conference was on? No.

2:22

On December 11, 1931 – and this is where you people are coming into the picture. The provinces of Canada have not acted on their newly acquired status since 1931. They have not signed any agreement, and they have not adopted a Constitution, and the people of Canada have not ratified a Constitution. Such actions should have been taken immediately upon the enactment of the Statute of Westminster. It is by reason of the failure of the provinces and the people of Canada to take this action that all of the anomalies in our present position exist. We've been trying since 1931 to govern ourselves federally under an instrument which was nothing more than an Act of an Imperial Parliament for the purpose of governing a colonial possession. Not only has this anomalous condition obtained since 1931, it has done so without any reference whatsoever having been made to the Canadian people. They have not been consulted on anything pertaining to constitutional matters, and before there can be a federal union in Canada and a federal government, the provinces of Canada must be free and independent to consummate such a union. They have been free to do this since December 11, 1931.

I therefore pose this question: whence does the dominion Parliament derive its authority to govern this country? The Imperial Parliament cannot create a federal union in Canada or constitute a federal government for the people of Canada by virtue of the British North America Act or any other Act. This can only be done by the people of Canada, and they have not yet done so.

Since December 11, 1931, as an individual citizen of this country I have had the right to be consulted on the matters of a Constitution. I've had the right along with my fellow Canadian citizens to ratify or to refuse to ratify a Constitution, but I've not been consulted in any way whatsoever. I assert, therefore, that until I along with a majority of Canadians ratify a Constitution in Canada, there can be no Constitution, and I challenge successful contradiction of that proposition. The people of Canada have not acted on the altered constitutional status; hence the deplorable constitutional position in which we find ourselves in this country. I know of no other country which is in such shocking constitutional circumstances as Canada, and as a native of this country it is most humiliating to me to be obligated to continue to accept this position, and I am determined to do my part to ratify that position.

Legally Canada is in a state of anarchy and has been since December 11, 1931. All power to govern in Canada since the enactment of the Statute of Westminster has resided with the provinces of Canada, and all power legally remains there until such time as the provinces sign an agreement and ratify a Constitution whereby they delegate such powers as they desire upon a central government of their own creation.

[Mr. Rostad in the Chair]

It is imperative that this situation be dealt with in a fundamental way. Patchwork methods, as we've been doing for many, many years, will not suffice. Obviously, the first act is that the provinces shall sign an agreement authorizing the present federal Parliament to function as a provisional government only. Secondly, steps must be then taken to organize and elect a constituent assembly whose purpose will be to draft a

Constitution which must later be agreed to by the provinces and then ratified by the people of Canada.

Now, in 1935 the federal government in Ottawa decided that they were going to look at the BNA Act, which I began to look at in 1979. They looked at it, and they appointed 36 very prominent men to be on that commission, some as viewers. In their summation they said that there has been no Constitution: no Confederation, no Constitution. In your brief you will find several of the prominent men and what they said at that time.

Now, Dr. Beauchesne, KC, CMG, and LLD, Clerk of the House of the Commons, said – and I agree with that because my research has told me the same thing.

> It is quite true that if we apply to the British North America Act the principles followed in the interpretation of the statutes it is not a compact between the provinces; it is an act of parliament which does not even embody all the resolutions passed in Canada . . .

He then goes on and says a lot of other things, which you can read, but then he says that our situation has changed because of the Statute of Westminster.

So we say that Canada needs a new Constitution, not a patched-up one, not a modified one. The Constitution that we have in this country has been designed by the Liberal and Conservative parties. They're the only ones that have ever been in power. We were a colony until 1931, and Britain then gave the rights to the provinces to do something about it and form a nation. They didn't do it. That is a future right that's still with you as provinces, and we say to you that as the provincial governments, the only legal governments in Canada – the federal government isn't – you are the ones that have to take the initiative and see that a constituent assembly is put together. Elect one person from each one of the ridings. They don't have to sit in Winnipeg; you'll find that the other people said that in their survey in 1935. They don't have to sit in Ottawa. They don't have to be Members of Parliament. If we can trust the people of our country to elect governments, then we should be able to trust them to write and draft a Constitution and then ratify it at some later date.

So we have a lot of things here. I'd rather be answering questions, but I was working until the wee hours of this morning to try to put this to you. I knew I couldn't say it all, but I wanted it to be on record. This is exactly what I think, and these are some of the recommendations that we think the constituent assembly should be looking at when you people have put them together.

MR. ACTING DEPUTY CHAIRMAN: Thanks, Mr. Knutson. Questions? Jack.

MR. ADY: Mr. Knutson, as I mentioned to you when I came in earlier, I met you a number of years ago. You had done much of this research then, and I know that you've done more since. You make a very logical presentation, but the question that comes into my mind is: if it's so logical, why is it you're not able to get the people in Ottawa, for lack of a better term, to accept your position as to our status as a country today?

MR. KNUTSON: I can give you a fairly reasonable answer, I think, to that. The political power brokers of this country really don't want it changed because they like what they have and they like the constitutional dictatorship that we have. They like the parliamentary caucus secrecy and solidarity and all the other things that go with it. The Prime Minister or Premier can call an election whenever he wants to. He doesn't have to ask anybody. He appoints judges accordingly. These are all things that, as far as I am concerned, should be determined by the people of this country, not by some political leader or the party he represents.

We also say, and I say it in the brief here, that we should have fixed terms for government. We should have free votes in Parliament so that you people, the parliamentarians, can vote according to the wishes of your ridings. Now, the political parties don't want this. The political parties don't want the recommendations that we'd make to the constituent assembly: that the leader of a party should not be the only person that can authorize your running, for instance, in your party. That should be up to your riding president or somebody like that who has seen the ballots of the people that vote. We believe that too. Kilgour and Kindy, for instance, wanted to vote according to their constituents or riding people. What did they have to do? They had to become independents in order to do it, because the party policies and the party whips and everything else are such that the parliamentarian becomes an infinitesimal cog in a great big machine, and they don't want to change those things.

2:32

MR. ADY: Just one more question along that line. Your position has never, ever found its way into court to be decided by a judge or the Supreme Court or whatever at this point?

MR. KNUTSON: I have challenged Dixon of the Supreme Court and every Auditor General in Canada, including Macdonell, to prove me wrong. I have challenged them. I've sent them copies of a book I published in '83, and I've said, "Prove me wrong." Dixon was the only person that said, "Well, you have a very interesting thing here, and some day I'm going to take a really good look at it." The Hon. J.V. Clyne, a retired Supreme Court judge, looked at it. He and Les Bewley had a four-hour session with me, and they said, "If you were standing before our court of justice, you would have won your case because you have the proof of what has happened in this country." So what I have done is dug up the history, the true history of Canada, and I say: let's make it happen.

MR. ADY: One last question then. With some of the preamble that you just stated, you would advocate a change in our whole parliamentary system, of the party system that we presently have.

MR. KNUTSON: No.

MR. ADY: If you didn't do that, you're indicating a free vote would be allowed to take place in all cases. I think with our present parliamentary system and a free vote, we probably would find ourselves in an election weekly.

MR. KNUTSON: No, no. If you had fixed terms for government, then a free vote and a defeat of a Bill is just a defeat of a Bill; it wouldn't be the defeat of the government. But I'm not suggesting all of this. What I'm saying is that a constituent assembly, elected by you and me and all the rest of the people of this country, get together and draft a Constitution. Our recommendations are some of these things, but it would have to be up to that constituent assembly – not the parliamentarians, not the leaders of the political parties, but the people of this country – to set up the parameters of a Constitution. Maybe it should take them two years. Maybe they should do like they do with the Pope: lock them in a room, and when they send out a white smoke signal, they've got it done. Maybe it'll take two years, but then ratify it.

You people are doing what you should be doing right now, and I say that this commission is more important than the Spicer commission or the other commission that's running around the country here, because they really have no authority to do what they're doing. Because of the Statute of Westminster, which has never been revoked, you people have the right to demand a new Constitution in this country, drafted and set up. It's up to us, or you people as provincial leaders, to make sure what powers you're prepared to give to that federal government. I'm not saying what powers you should give to them; I'm saying it's up to you to do it. That has to be done through a legal process.

MR. ACTING DEPUTY CHAIRMAN: Any further questions?

Bob.

MR. HAWKESWORTH: Thank you, Mr. Chairman, and thank you, Mr. Knutson, for your presentation this afternoon. I take from your comments – you say Canada is basically without a Constitution, in reading your brief, since the Statute of Westminster has resided with the provinces of Canada, and all power legally remains there until such time as the provinces sign an agreement. Is it your opinion that Quebec has the right to make a unilateral declaration of independence?

[Mr. Horsman in the Chair]

MR. KNUTSON: I'm saying that we've had no Confederation, so therefore all 10 provinces are sovereign at this moment, and they have not created a federal union or a Confederation. If you take that and carry it right through, then Quebec can do whatever they like because they are sovereign as well. Now, it would be a good argument, I believe, that could be made, because they say – and I have talked to them several times in Quebec – they have a lot of rights granted to them by Great Britain in 1867 and in the Durham Act. So I've said: "Yeah, okay; if those rights are yours, then they would apply to that area called New France in 1867; it doesn't apply to all of Quebec. So if you have any special or distinct rights that you got from Great Britain, they apply to that area called New France in 1867. It doesn't apply to all of Quebec." So there's a pretty good argument there: well, yes, what is Quebec? Is it New France, or is it what we have ceded to them over the years, Rupert's Land and all that? But if they are a sovereign province and we have had no Confederation, they have the right to do what they like.

MR. HAWKESWORTH: Although if the land was ceded before 1931, maybe they do. I mean, you seem to indicate that it's the Statute of Westminster in 1931 that was the key breaking point.

MR. KNUTSON: That was the breaking point because Great Britain had to. You see, Canada asked for Confederation in 1867. They didn't get it. Well, the only way that Great Britain could do that would be to give the sovereignty to the various colonies or provinces. That's what they did with the Statute of Westminster. What they did, then, was to say, "Okay, from now on you're the boss; you go ahead and do it and create the federal union that you asked to do in 1867."

MR. CHAIRMAN: Thank you very much, Mr. Knutson. I don't know if you've read our document or not, the discussion paper Alberta in a New Canada, but please pick up a copy as you leave. In that document, within the confederal system we describe different forms of relationships of government.

> Within a confederal system of government, a number of independent countries form a union in which each agrees to give certain powers – usually over monetary and economic policies – to a central authority. Each country remains independent except in those matters where they have agreed to be bound by the central authority.

That's what we describe a confederal relationship as, and I think probably you would agree with that.

MR. KNUTSON: You'll find basically the same thing in here. I haven't read that. I'm glad that you're thinking that way.

MR. CHAIRMAN: Well, we describe different types, and we then offer options for Canadians to consider. So if you'd like to take a look at that, I think you'll find it interesting.

Thank you very much for your presentation.

MR. KNUTSON: Okay.

MR. CHAIRMAN: Representatives of the Camrose Regional Exhibition, welcome.

MR. WERNER: Thank you. Good afternoon. We'd like to speak briefly on four issues of concern from our organization's point of view. Firstly, in dealing with the separation issue and the province of Quebec, it is our opinion that the province of Quebec should remain a part of the Canadian system. Quebec offers a unique and diverse culture to our country. It has heritage and roots that have been an integral part of the development in our nation. A strong and unified country will assure better and/or more bargaining powers to assist with trade agreements being developed with both the U.S. and Mexico. It will also give us the strength to compete in trade with the united European countries in the near future. A united country, in our opinion, will always have more drawing power when major industry or businesses are looking for a new marketplace or base to design and/or produce new products.

The French language issue tends to be a somewhat less urgent issue. With approximately 3 percent of the population of Alberta being French-speaking and the other 97 percent mostly English-speaking, it would appear to us that to pass a bilingual Bill making all regions of Canada do business in two languages would be a poor procedure and would not portray good fiscal responsibility on the part of the federal government. The cost factor, as well, of implementing changes to signage, text, education programs, et cetera, would probably be extreme, and the numbers in western Canada would not seem to warrant such action. The result, if a Bill were passed, would likely create a more antagonistic approach by English-speaking Canadians and have an adverse effect on the separation issue if and when it were to come to a vote.

Furthermore, if we're going to allow the French Canadians to be a distinct society, then we must allow similar privileges to the native population, and in all likelihood they have a stronger political case to hold title to "distinct society" than the French-speaking Canadians. The native land claims must be dealt with in a fair fashion, and a compromising decision allowing native Canadians to handle their own affairs would probably put dignity and a sense of self-direction back into a race that's full of historical and cultural heritage.

2:42

Education is high on the list of priorities. We feel that the federal government must do its part to ensure that the young people of today have all the opportunities possible to access quality education. Standards are higher now than they ever were before, and job stress is on the rise more than ever before. Without good education and preparation our young people will not be able to cope in the workplace. Continued education for people in the agricultural industry is also an important factor. Modern-day farming has become a science. Technology is at our fingertips to enhance the farming practices of today and the future. We feel that avenues must be created to assist with the delivery of that information. The technology that is available has the capability to decrease farming costs and at the same time increase revenues and dividends. Through resource people and material, through seed money to initiate new education programs, the federal government could enhance our farming community. Demographics show that the farm unit is on a declining scale, and it is clear that for survival of that unit we must make the practice of farming a profitable venture. It is imperative that we promote the importance and understanding of agriculture to the urban population. We feel that agriculture is the lifeblood of our country.

On behalf of the Camrose Regional Exhibition I would like to thank you for this opportunity to voice some of our concerns.

MR. CHAIRMAN: Thank you very much. Questions and comments?

Pam Barrett.

MS BARRETT: Yes. Thanks for your presentation. I summarized what you were talking about; I said, generalized bilingualism. You were talking about: should a Bill be introduced to make Canada and all the provinces French and English across the board? You talked about school books and that. Have you ever heard anybody suggest such a thing?

MR. WERNER: I don't know if we have actually coming from the government, but I guess there have been people talking about it. We've just picked up on it a little bit. It's a issue that came out of communication amongst our board, and we felt it was an issue that maybe we could talk about.

MS BARRETT: That's brand-new to me. I've never heard of any such proposal. I'd like to know where it came from. If you can remember, I'd like to hear.

MR. WERNER: Unfortunately, I'm not totally sure. I couldn't answer that. I think texts and education may have been something that we've put in there more as an example. I'm not indicating that this is direct information that we have, but it was more of an example.

MS BARRETT: I see. Do you think it's a commonly held view that generalized bilingualism is something that any government is contemplating?

MR. WERNER: I believe there's some concern out there of that.

MS BARRETT: Concern is one thing. Well, I don't know where it would come from. I guess I'm totally confused. But you say there's concern out there that someone or somebody or something is thinking about doing this?

MR. WERNER: Yes, I think there is concern out there.

MS BARRETT: We have some communication work to do, folks.

Thanks.

MR. CHAIRMAN: Well, we did have a presentation yesterday – you will recall that a gentleman said to us that the federal government should have control of all education and that doing so would guarantee total bilingualism throughout Canada. So it's not an idea that came out of the air.

MS BARRETT: Fair enough, Jim, but to the best of your knowledge or mine no government or party has suggested any such thing, right? That's what I was getting at here.

MR. CHAIRMAN: Oh, no; I'm quite aware of that. But in this exchange of ideas amongst Canadians, that was one suggestion that did come forward: that the federal government, by having control of education, would be able to have all Canadians bilingual. So it's out there as an issue. What you're saying is you don't want to see that happen. Is that correct?

MR. WERNER: Yes.

MR. CHAIRMAN: Thank you.

Yes, Bob.

MR. HAWKESWORTH: Thank you, Mr. Chairman. I'd like to thank our presenters this afternoon. I agree with you that agriculture is pretty basic to everything else that goes on in our country. One of the questions that's been raised recently, certainly with the Quebec government, is that with agriculture being a shared jurisdiction, they'd like to see the federal government sort of vacate that area totally. It's one of the sort of recommendations of the Allaire report and is part of the negotiations going on with Quebec and amongst the provinces. What's your view about the role of the federal government in agriculture? Do you think there is one, or is it something that should basically be left up to each provincial government to take more or less total responsibility for? Or are you relatively satisfied that our present arrangements, with a shared role for the two levels of government, is an appropriate one?

MR. WERNER: I think the shared role is something that we would prefer. You know, I think you need both levels of government involved. If farming is going to exist and we're going to have people continue to be in farming and I guess make it profitable for young people to get into, I think you need both governments involved to initiate that sort of stuff.

MR. CHAIRMAN: Any other questions or comments? Well, we want to thank you very much for your thoughts and appreciate your coming forward. Thank you.

Mr. Windross.

MR. WINDROSS: Pardon me. I get a little nervous when I get up in front of this.

MR. CHAIRMAN: Please don't be nervous. None of us has bitten anybody yet.

MR. WINDROSS: I've been doing it for quite awhile, and I still get nervous.

Mr. Chairman and members of the committee, I don't know whether it enters into the Constitution or not, but it's something that bothers me some. Democracy is the rule by the majority, I believe. If you elect leaders of a party, they have to get 50 percent before they can be elected, like leadership conventions. Except once we get these people in leadership and then they have an election, here's where we throw it all out the window. If you have three people running and one person gets 40 percent, one gets 31 percent, and one gets 29 percent, the person who gets 40 percent goes to Parliament. But there are 60 percent here that didn't want him; that's not the majority. Now, these figures, with five people running, could go down to 22 percent. Theoretically, we could have a majority government in power with only 25 percent of the vote. I don't think that's democracy. These people with 22 percent go there and they make laws, and the 75 percent or whatever's left have no recourse. These people are in power.

Now, there are some ways of getting out of this sort of thing. I don't think a two-party system – nobody would go for that. There are too many parties that would holler. But if they had a runoff – like if the two top people didn't get 50 percent of the vote, then the two people would have a runoff, and then you would get somebody with 50 percent of the vote, which would be a democratic way of doing it. But people going to government with 22 or 25 percent of the vote I don't think is democracy.

That's about everything I have to say, I think.

2:52

MR. CHAIRMAN: Okay. Mr. Windross, your concern, then, is to how you ensure that anybody who is elected to office has a clear majority.

MR. WINDROSS: Clear majority.

MR. CHAIRMAN: I see.
Okay; Pam Barrett.

MS BARRETT: Just one question following on that recommendation, and that is: would you also consider electoral reform to allow for a European style of election, so that if you have three political parties, one gets . . .

MR. WINDROSS: Could you speak up just a little?

MS BARRETT: Sure. You've got to be the first person who's ever asked me to speak up. I'm usually too loud.

MR. WINDROSS: That's because I've got a hearing problem.

MS BARRETT: Okay. Pursuant to your recommendation, have you considered the European system? For example, if you've got three parties running and one party gets 40 percent of the vote, they get 40 percent of the seats; if one party gets 25 percent of the vote, they get 25 percent of the seats; that sort of formula. Would that sit as compatibly with you as your own proposal?

MR. WINDROSS: You're talking about each party?

MS BARRETT: Yeah. It's proportional representation on a party basis for forming governments and oppositions.

MR. WINDROSS: Well, I suppose that would be all right, but you're still not getting the clear majority.

MS BARRETT: That's correct. Governments are often elected without a real majority at all, yes.

MR. WINDROSS: Well, as I say, you can have a majority government in power with 25 percent of the votes, and there's 75 percent out there – there's not a thing they can do about it. I don't think that's right. If they had a clear majority of 50 percent, like if the first and second person had a runoff, then they would be a majority and you would have the 50 percent.

MR. CHAIRMAN: Okay; I think we understand your position very clearly.
Bob Hawkesworth.

MR. HAWKESWORTH: Just one other question. In Australia they have a law that you can be fined if you don't vote on election day. The other aspect of this is that people can be elected, even have a clear majority of all the votes cast, and yet less than 50 percent of the eligible voters bother to show up to vote. Just on that other aspect, would you support the idea of a law similar to Australia, where people are fined or penalized if they don't exercise their democratic right or responsibility to vote?

MR. WINDROSS: No. I don't think they should be forced to vote, but if they don't vote, then they have no right to gripe if something goes wrong for them.

MR. CHAIRMAN: That's a very interesting point for an elected politician. I don't think you can ever keep people from griping in our society, but that's an interesting comment.

Yolande, did you wish to ask . . .

MRS. GAGNON: Actually, my comment was exactly the same. I wanted to look at the responsibility of the voter and indicate that in many cases people are elected and only 30 percent of the voters went out, and then maybe only 15 or 12 percent of those 30 actually voted for the winner. So you get a situation where not a lot of people chose that person. I was going to talk about the obligation to vote if you're on the voting list. Should we enforce that?

MR. WINDROSS: The only way I'd look at it is that a person is not a very good citizen if they don't go out to vote and take some interest in their government.

MRS. GAGNON: Thank you.

MR. CHAIRMAN: Thank you. Well, we do have examples in the world of runoff elections, and I think France is one of those where they do have runoff elections. If a person doesn't gain a clear majority, then a week later the people go back to vote again until they finally do get that position. So it's an interesting proposition, and we thank you. Then there are those people who don't want to vote, as opposed to the Australians, because they don't think anybody who's running is good enough. Maybe that's why a lot of people don't vote, and therefore people should be given the right, I guess, to vote or not to vote. So that's one of those interesting discussions. Thank you very much for your views and for coming forward today.

We are running at the moment just about 15 minutes behind schedule, but I do believe it would be helpful if we did take a 15-minute coffee and/or stretch break.

[The committee adjourned from 2:57 p.m. to 3:08 p.m.]

MR. CHAIRMAN: Ladies and gentlemen, I'd like to get started again. In addition to the scheduled presenters, we have now added five additional presentations for this afternoon, so I would like to get under way.

Douglas Russell. Thank you for joining us. Would you like to proceed?

REV. RUSSELL: Mr. Chairman, I'm from Red Deer, but the slots were all full there, so I came here.

MR. ROSTAD: You're welcome.

REV. RUSSELL: It'll take me about 12 minutes, I think, to read this, and I have copies for you out there at the front desk. I have entitled this paper, My Vision of a Renewed Canada.

You have invited me to share my views with you on the future of Canada. I do not speak from the standpoint of the politician or political scientist but as a middle-of-the-road, grass-root Canadian. My forebears were pioneers in this country, and I have lived in Canada all my life. To me one of the most important issues to be discussed is the Charter of Rights and Freedoms.

Freedom stands right at the head of the list when it comes to what Canadians really want. The Charter has an appealing title, and it may be hard to find fault with what it says in print. It is my opinion that it is quite different in its practical effect on the lives of the people. The Charter has brought about a great emphasis on individuals' rights, which has created a foment of unrest in our society. The courts are clogged with cases where people are struggling to get everything that is coming to them and sometimes more. There is little of the spirit of give-and-take, something that is vital to a peaceful and happy society.

To me the Charter is the greatest blow to democracy of anything that has ever happened since Canada became a nation. We elect people to represent us in Parliament only to find out that the courts have the final word. In reality, power has been taken from Parliament, representing the people, and given to the Supreme Court. On the day-to-day level minorities seem to rule. One individual objects to a law or a custom, and they get attention. The other 99 percent of the people stand by helplessly and submit to the rights of one person. This is the destruction of democracy as I understand it.

The rights of individuals have been taken to ridiculous and unrealistic lengths. If a family wants to hire a babysitter for their three-year-old daughter, they can't specify that it must be a female; rather, they have to be devious or suffer the wrath of the law on discrimination. This is one example of minority rule. The government allowing the Mounties to wear turbans is another example of minority rule. It is not race prejudice but common sense that our police force have a uniform easily recognized by the people. Where will we be if we allow every ethnic group to alter the uniform, and where will we be if we don't? If we don't, we will be guilty of discrimination.

The Charter of Rights and Freedoms is supposed to protect the freedom of religion but in reality has made us intolerant of religion, especially the Christian religion. This nation has stood out as a free people largely because it was founded on the principles of the Bible. People from other races and religions are keen to come here because we are or have been a free people. When they get here, they want to impose on us the religion and customs of the countries they wanted to get away from. I am not opposed to people of other cultures adhering to their customs and religions when they come to Canada. Allowing them to do so is a practical aspect of the freedom we enjoy and often gives colour and diversity to our culture. But please don't let them force their way of life on the rest of us.

We have become so sensitive about race and discrimination that you can hardly tell an ethnic joke anymore for fear of getting into trouble with the hate laws. Things have gone to ridiculous lengths. Nobody enjoyed a joke on a Scotsman any more than the Scots. I am of Scottish descent on my father's side and was raised to hear the Scottish brogue from my grandparents. Nobody enjoyed a joke on a Scotsman any more than the Scots, but now these poor people can't even laugh at themselves. To be more serious, millions of dollars have been wasted trying to prove that somebody said something about somebody else that smacked of hate. The real effect of these laws is that they have put the muzzle on some things that should be said about some groups and practices that are detrimental to society, but people are afraid to say them.

Politicians wonder why this country is in an upheaval and why people don't trust them. They talk about the serious crisis we are facing and how the country is going to fall apart. If some of the abuses of power I have mentioned were corrected, there would be less turmoil in Canada and more confidence in the politicians.

The question of Quebec stands high on the list of problems which must be resolved. This is the time for cool heads and warm hearts. It would not hurt the rest of Canadians to humble themselves and tell Quebec that we want them to stay in Canada. Separation would tragically fragment this country. Moreover, it would set a dangerous precedent. Who would be next? Western Canada, Ontario, or the maritimes? We can't let it happen. We must not only tell Quebec that we want them but that we are not prepared to let them go. I am not advocating civil war, but we need to remember that the Civil War in the United States was not fought on the issue of slavery but secession.

A successful union of the provinces of Canada under a central government is dependent upon all the provinces joining that union on an equal footing. Conditions must be the same for everybody. There can be no wheeling and dealing, no favouritism. Showing favouritism is a sure way to cause trouble in the family, and it is just as sure in the family of provinces. The Meech Lake accord fell to the ground because Quebec was spelled out to be a distinct society. Nobody knew what that meant, and if the politicians knew, they were not about to tell us. The people of Canada are not willing to make binding agreements without knowing what they are getting into.

I don't have much to say on the aboriginal question. These people should be listened to and treated with the same respect and dignity as anybody else. To think of them as a separate nation is neither feasible nor practical. It may be possible to give them more self-government, and if it is, they should have it. I do think some of the claims they make are far out of line with reality and far beyond anything they can reasonably expect.

As for Canada as a nation, it is my opinion that we need a strong central government taking charge of such matters as defence and other facets of government not possible for provinces to administer. Duplication of funds and services between the federal and provincial governments should be eliminated as far as possible. There should be a means of working out a more equitable Senate. We know that Parliament is a place where members are free to say what they think, and that is as it should be. It is my opinion that that liberty has been abused, resulting in conduct unbecoming to Parliament. Our highest form of government should be a place where an example is set to the rest of Canada, where problems may be discussed and varying opinions expressed with respect and dignity.

Canadians must learn to live within their means. There are no free lunches in this world, so we may just as well stop looking for them. Man is going to eat by the sweat of his brow or by the sweat of somebody else's. Too many times it has been the latter. While some were doing the sweating, others were sitting around living on welfare or unemployment insurance waiting for the job to their liking.

3:18

When governments are in debt like they are, they don't have money to give away to everybody who holds out their hands. I am in favour of helping in the disaster areas of the world and the needy at home, but giveaways must be drastically cut. Our present system of universality is one of the reasons we are in financial trouble. Politicians may have thought they could not get elected without it. The time may have come when they will not be able to get elected with it.

I am for a laissez-faire type of government. Let people have their freedom as long as they don't hurt themselves and others. Keep government as simple as possible. People rebel at too many laws and restrictions. Hopefully, most of them want to live and let live.

Government has intruded far too far into the personal lives of the people. One outstanding example is the matter of child rearing. Certainly authorities must step in when children are abused, but when governments start telling parents they can't spank their children, they have outstepped their authority. I might as well be plain: the "don't restrain them" theory has brought us to the place of near disaster. Teachers cannot control children and youth in schools. If they try it, they're in danger of getting attacked. Next these young outlaws, a definable group I might get into trouble for identifying, are in trouble with the police. I verily believe that the "don't restrain them" philosophy is the cause of much of the serious child abuse. Undisciplined children become so obnoxious that even their parents can't stand them any longer. That is when they get seriously abused.

Canada is my home. I love my country. I want it to be here for my children and my grandchildren. I believe it can be. I don't think it is past hope. I do believe that some of the issues I have mentioned must be addressed. There is much unrest and too much complaint to pass over lightly. We need to be honest and say what we think in a nice way. I do believe something can be done about the problems which so seriously divide and trouble us.

MR. CHAIRMAN: Thank you very much, Rev. Russell.

Questions from the panel? Yes, Mr. Rostad, Mrs. Gagnon.

MR. ROSTAD: Thanks, Mr. Chairman. Mr. Russell, you and I have had occasion to correspond many times in your other capacity, in your drug abuse foundation. One thing you didn't have in your paper was reference to bilingualism or the French language, and we've had presentations from various locations and people on that. Could you maybe tell me: do you think bilingualism is a successful exercise?

REV. RUSSELL: I think it's in anybody's interests to learn another language, whether it's French or German or whatever. It's just a good thing in a culture like ours or any other culture to have another language. However, I think the way that it has been rather forced onto us is very undesirable. I missed it out of the paper, but I think it's one of the nagging things about our society today: that some people feel there's been too much force and too little persuasion as far as this is concerned. I'm perfectly happy; if people want to talk French, fine. If they want to talk Italian or if they want to talk Ukrainian, it's fine with me. I don't have any problem with people. In my lifetime I've met hundreds and thousands of people of all nationalities, or at least a lot of them. I don't have any trouble with the people. I do have trouble with some of the things they do sometimes.

As far as the government is concerned, I think if they had taken a little easier stance on that and not used so much pressure and so much force – I'm talking about the federal government now – and let communities where there's a demand for French, have French. If there's no great demand for it, then we just can't afford it.

That's my stance on bilingualism and biculturalism. I mentioned in here that people resist force. You can lead people, but you can't drive them. I just think there's been too much force in that area.

MR. CHAIRMAN: Other questions, comments? Yes, Yolande Gagnon.

MRS. GAGNON: Thank you. In regards to the distinct society, which you said should not be in any Constitution, what would you think of having a statement in the preamble that would say that because Quebec has a common history, a common language, common literature, and so on, they are somewhat distinct? So that would be acknowledged, but just in the preamble, along with a statement about our aboriginal people, again in the preamble?

REV. RUSSELL: I don't think I would object to that. I think the problem with it, the way it was handled, was that it was too vague. People didn't know what it was all about.

MRS. GAGNON: And what that would give as far as powers.

REV. RUSSELL: Well, I think that if it was made plain, people would know then what they were dealing with. I'm not against these people talking their own language, or any other people. We've got some distinct ethnic groups right here in Alberta. I'm not against them with their customs. Let them have their customs. But it's like I said here: we shouldn't force them onto other people.

MRS. GAGNON: Uh huh. I guess I would just like to know: in what way has French been forced upon you, for instance, living in Camrose, Alberta?

REV. RUSSELL: Well, it's not been. I guess I'd have been making a racket if it had been, but it wasn't; it hasn't been forced upon me. I understand, though, that in Manitoba they were going to try to make them put all their laws into French. Now, I don't know whether they've got over 50 percent French language in Manitoba or not. I doubt if they have. Those are the places where I think we ought to pull back and not be so pushy with it.

MRS. GAGNON: Thank you.

MR. CHAIRMAN: One of the things you say you want to see is "a strong central government taking charge of such matters as defence and other facets of government not possible for provinces to administer." One of the things we've been hearing from some people is that the federal government should start playing a larger role in education, which is now a sole responsibility of the provinces. What is your view on education as a responsibility of the provinces or the federal government?

REV. RUSSELL: Well, as far as education is concerned, that's out of my field and out of my realm of knowledge. I wouldn't know. Those are things that would have to be worked out. I think, though, that what I said here was that in those areas where there's overlap, we should do away with that as much as we possibly can in the interests of economy. If the federal government had something to offer to the provinces, I wouldn't object, providing that it wasn't so compulsory that you had to. With all respect to the people down east – I don't have any grudges with them at all – I think, you know, we need some flavour in the education, maybe not the whole thing but a lot of the flavour from the grass roots of the situation. In this province probably we know more here about what we need than maybe they do down in the east, but I wouldn't object to some input if they have some good things to say and do, providing it isn't too compulsory.

MR. CHAIRMAN: Pam Barrett.

MS BARRETT: Thank you. I'd like to switch subjects to the contents of, I think, your fourth paragraph: the Charter. You say, "We elect people to represent us in Parliament only to find out that the courts have the final word." I want to know if you understand that it is not the Charter itself that is the cause of that but having control over the Constitution, a supreme law, compared to which other provincial and federal statutes may be challenged.

REV. RUSSELL: I'm not any legal expert or political expert, neither one. I'm a grass-root Canadian. The way it comes across to me is that the responsibility for a lot of this thing that we are talking about in that brief is the result of the Charter. They always say that the Charter of Rights did this and the Charter of Rights did that.

MS BARRETT: Yes. I think I'd like to explain something then. In any constitutional society that also has an independent judiciary, virtually any law passed by any authority entitled to pass laws can be challenged against a backdrop called the supreme law, which is called the Constitution. I guess, then, my subsequent question to you would be: knowing that it is the Constitution, not just one of its appendages, the Charter, that actually causes this, would you suggest that we would be better off without a Constitution?

REV. RUSSELL: No. I don't think I would go that far. You may be perfectly right in what you say: it's the Constitution more than one facet of the Constitution. You maybe are. However, I know it was about that time that things started to change, when the majority had less favour or less power, if you want to put it that way; the Parliament had less power. There was something that went wrong back there, even if I don't know the technicalities of it.

MS BARRETT: That's correct. You are right. When we patriated the Constitution, we thereafter had the supreme law against which we could test other laws, as has happened in the States for a few hundred years. Yeah, you're right.

REV. RUSSELL: Well, I don't know all the fine points on that subject, but I know there's been a big change, and I don't think the change has been for the better. As I said, I think it's been a blow to democracy. One person in a community – and I know this happened, because it has happened right in our community – can make an objection and get to the commission on rights and so on. What do we call it?

MS BARRETT: The Human Rights Commission.

3:28

REV. RUSSELL: The Human Rights Commission. There was a situation down there where there were 4,000 schoolchildren involved. It was this matter of teaching the Bible in the schools, which has been done for 20 years in Lacombe county, and there was one person that objected to that. There were only 25 children out of 4,000 that went out of that class, like they're entitled to if they want to, but at the same time – now, I don't know where that's going to end up, whether it's going to end up in the courts or what, but I really wouldn't be that surprised if it did and that those 25 people, which is less than 1 percent, might prevail. Where's our democratic principle gone to?

MR. CHAIRMAN: Well, thank you. The subject of Charter versus 'noncharterous' is one which could occupy us for a lengthy time, but I do thank you for your views and for coming forward today.

REV. RUSSELL: I thank you for the opportunity.

MR. CHAIRMAN: Thank you, Rev. Russell.
Eudore and Eleanor LeBlanc.

MRS. LeBLANC: I'm nervous.

MR. CHAIRMAN: Don't be nervous.

MRS. LeBLANC: Mr. Chairman, members of the panel, friends, and fellow Canadians, I speak with a heavy heart. We must love one another. We have to respect each other. I myself come from a Canadian-German background. We have been blessed over the years since I married this Canadian French farmer of mine to have lived in a mixed community, language and religion included. No one said are you French, German, Polish, English. We looked after each other. If our children came home saying something in another tongue, we only had to ask what they said.

I just finished using some leather we bought from some of our Indian brothers and marveled at their tanning work. The Bible says we are all equal, no one of us is superior to the other. It is when we share and put things together that we really, really have something.

When I started school, I knew only German. We were denied the right to speak our father tongue by the governing body, yet had fathers, uncles, brothers, and sons die in the war just like everyone else. Too bad we couldn't have invited the Fathers of Confederation today; the first ones to say we live in a bilingual country.

I have prayed many times that while our children were young they could learn French. Oh, they went to special classes if possible, but to keep bread on the table sometimes we had to move. Yes, and even leave our beloved farm behind. Well, when children are young and willing to learn, they learn quickly. This is when I would have learned with them. Wouldn't it have been nice if they had grown up with the two official languages of Canada, French and English, as well as my father tongue, German?

Can any so-called leaders think perhaps of tomorrow? Give our leaders of tomorrow a chance to do what we were supposed to do. Children are smart. We can learn from them. They love each other. They love their neighbours, unless mom and dad tell them to stay away from that black kid. If God had wanted us to segregate, he would have put a different mark on each one of us, maybe a tattoo on our forehead. Let's get with it. Go to Quebec, as we did, and see how they struggle. Talk to someone in French if you are on the wrong side of town, and they look at you as if you are crazy and say, "I don't speaka de French." Bad enough free trade; now we must work to keep Canada together. We must show other countries we are intelligent enough to learn something from each and every culture, but most of all the two official languages of our beautiful Canada. How about maybe even being polite, like maybe a bilingual *O Canada* at our hockey games in Alberta? How about it?

Now I'll let him make sense.

MR. CHAIRMAN: Would you like to also make a presentation?

MR. LeBLANC: I might as well, and then we can answer questions later, I guess.

I like what the previous person said. I don't agree that Quebec has been demanding too much. They have been demanding an awful lot of times. They're still demanding, but they were demanding 100 years ago and still haven't got it, so what's the difference? I mean, if they don't have it, they demand, in some lines. Anyway, I think I'm glad to be a Canadian, but after you listen to someone like Mr. Manning or Mr. Parizeau of Quebec, then you find both ends of the spectrum and you wonder where you fit in.

Being of Acadian descent my background goes a long way back. Twenty-five years ago there were over 100,000 by the same name off the same tree, so in North America there's quite a few of us. But I think that bigotry and prejudice are probably the greatest ill of our country. We have to remember it has pretty well always been that way. If it hadn't been, we wouldn't have had the Riel rebellion and we wouldn't have to be here today.

You know, I've heard that ignorance is bliss, but it sure can hurt sometimes. I don't have to go far from home to have a first generation Canadian tell me, "If the Quebeckers don't like it here, they can go somewhere else." I've heard this quite often. A man that's got a very good education, Mr. Wells, scuttled the Meech Lake accord, and – you probably don't know this – he's studying French right now, because as he said, when I'm with my fellow Canadians in Ottawa, they can switch from one to the other, and I need an interpreter.

In my lifetime I met a man, Mr. Braband, who was at Batoche when Riel was captured. I was very young then, eight or nine, and he was 67, but he was a sea of information about the opening of the west. By the way, we have some history right here. Duhamel was settled by the Red River Valley people, the same as Batoche, Duck Lake, and Carlton, Saskatchewan. Some of the names are the same.

3:38

Education and its impact on Canada now and in the future is the main reason I wanted to speak to the committee, because I feel that in general the basic history and language is lacking. If experience can teach us anything, let's try to use it to the good of the country. The young people being educated today are the leaders of tomorrow, and tomorrow's not far away.

There are hundreds of examples I could use to show that that would not have to be expensive, the first of which is do it when they're young. Here is a very personal example. I didn't know a word of English when I started school, and the first day is the only one I can remember having trouble with. A neighbour boy of ours came with his grandmother to interpret for her and my mother. She was Irish. My mom was widowed when I was only a few months old. I remember feeling envious. Almost as much as our natives I feel I have a right, then, to call myself a Canadian.

A little later, in 1929, she married a homesteader from Saskatchewan, and we found ourselves on the prairies. We've been out west ever since. I feel that I can understand some of the problems in our country, as all the relatives within the immediate family are down east and we've kept in touch with them. We were married in '48 and started to raise a family right away, and we had all the ups and downs that go with that. The two families being so far apart in most things forced us, of course, to live our own life. Because of that and other things that came along as the family grew up, I feel very grateful for my wife's understanding.

Frustrated as we were in the field of education, one example was our daughter being told that she could not join the French class because her mother did not speak it. My wife took a firm stand then. It didn't help our children because they were out of school by the time a change came about. Of course, I've always done my best to keep her informed of what transpired in writing or in word. There was a lot of that when we traveled through and around the eastern section of Canada, but doing so, we feel, helps us understand and marvel at this vast, beautiful country of ours.

Let's all do our best to keep it one. Together we stand, divided we fall. That's never had more meaning than at present for this Canada of ours. By traveling the length of the country, we've probably learned more about our country than we did in books, and there was very little of that when I went to school. A lot of American, no Canadian.

Now that our children are in the work force, they chastise me for not insisting to have a greater use of French in the home. They tell us they can make use of it. Our son with Northern Telecom says it would be the greatest asset he could have right now, being with an expanding company making great strides at present and marketing around the world.

For those who say that this is too difficult, look at Switzerland with four official languages. That's in the schools. English is not one of them. After the first year of operation the students at Maurice Lavallee school in Edmonton registered the highest average in the province. These are students that until then had all their studies in the English language only.

In Ottawa Father Churchill made a long-term study. The reason was to find out how they made out after their studies were completed. The immersion was found to be of little use, but in a minority setting the students generally advanced faster and went further with their studies than most if taught in their own language. Many more instances could be cited to prove that a better knowledge of languages could be attained by the students with a little foresight and a bit more flexibility on the part of governments across our country so that individuals would not have to resort to the courts for their basic rights to be recognized.

A look at the province of New Brunswick could prove beneficial. I've heard Robert Scully, who works in three languages very easily and fluently. He's a Quebec product and probably a first-class Canadian. I don't know the man. We need more of these people in Canada. I do listen and read in both languages and try to read opinions, but I have trouble with the media in general, especially the English media. They have a responsibility to the public they serve. I believe they could do much better at using the truth, for one thing, to educate and not be too biased in their opinions. Sometimes the biggest problem with their reporting seems to be the sin of omission. I get a very much different setting if I just turn from one station to another and go to the French station for the same news.

Joe Clark now has a big job to do. It seems like an impossible job. Let's all get behind him. Thank you.

MR. CHAIRMAN: Thank you very much, both of you, for your very thoughtful and obviously deeply felt views that you've expressed to us today. We very much appreciate you coming forward and giving us the benefit of your experience in this country. I know you have a little bit of nerves, but believe me you did very well in your presentation, and you needn't feel nervous at all. You did very well.

Are there any questions or comments that anyone would like to direct to the LeBlancs? By the way, there are, as you say, lots of LeBlancs in this part of the world, and I think all of us have constituents by that name.

Yes, Ken Rostad.

MR. ROSTAD: Thanks, Mr. Chairman. I also extend congratulations to you. That was right from the heart. It's obvious that you do think that two languages or any number of languages that we can acquire is good. I agree with you; I think there's nothing better. Along the same context that I asked Mr. Russell prior to you – and this isn't personal; I don't want you to think that these questions are coming because I don't believe in bilingualism or anything like that. We've had a number of presentations from people who think bilingualism hasn't been successful, and I'd like to get your opinion. I realize you say that we should recognize the languages and that we should try and acquire as many, but do you agree with the formal bilingualism program that was brought in?

3:48

MR. LeBLANC: I agree with it a little bit, partly with the last speaker. I think he's very broad minded, and we need more of those in our deliberations now. Like he said, it should not be pushed. I agree with that. But at least it should have some leeway; it should be free. Like I said in here, we shouldn't have to resort to the courts to have our basic rights recognized, especially in schooling, because they're going to be there governing in just a few years. That's where I think it should apply the most, in education, and the provinces have a free hand.

MR. CHAIRMAN: Yolande Gagnon.

MRS. GAGNON: Throughout the hearings so far we've heard people talk about bilingualism. Sometimes they confuse article 23 of the Charter, which guarantees education rights to the minority, be it in Quebec or outside of Quebec, with the Official Languages Act of the federal government, which applies more to the civil service and so on. I take from your comments that you support, first, the Charter and the rights for education in the minority language in Quebec and outside but not so much the other, which would be the Official Languages Act requiring bilingual civil servants and that kind of thing.

MR. LeBLANC: I think to a certain extent, because they do serve the public.

MRS. GAGNON: So if there's a need or numbers warrant somewhere, then . . .

MR. LeBLANC: Yes, that's right. For instance, I tried a few times at the post office here to be served in French. I wasn't successful. I've got to say there's a lady there, gray hair. She knew me from previous visits at the post office. She was very nice, very polite, and she said what she could. The young fellow ignored me as if I was just a post in the corner.

MRS. GAGNON: Another thing I'm curious about, Mrs. LeBlanc. I think it was you that mentioned that one of your children was denied a French education – or you did – because the mother tongue was German. Do you think that was maybe a school trying to make sure they didn't have enough numbers to warrant a program? What was the reason for that?

MRS. LeBLANC: Ignorance.

MR. LeBLANC: Well, yes, basically. The reason was that laws were not in place in Saskatchewan to force the school to give education to everyone. So any issue was a good issue. That's what it was.

MRS. LeBLANC: She also couldn't take typing or home ec because she was handicapped. She had an extra dose of oxygen in the incubator, because she only weighed two and a half pounds, and it caused her to have a stroke at 10 months. She'd peel potatoes at home. There was so much, much segregation.

MR. LeBLANC: You know, that's individuals.

MR. CHAIRMAN: I think that's a somewhat different issue than anything we could deal with in the Constitution.

MRS. LeBLANC: She wanted to go on a student exchange to Quebec, and she fought for it. She offered to work all summer just so that she could learn and go. They refused her the books, and they refused her the right to learn.

MRS. GAGNON: Thank you.

MR. CHAIRMAN: Thank you very much, both of you, for sharing with us your views and your heartfelt concerns.

MRS. LeBLANC: Humble as they are. Thank you.

MR. CHAIRMAN: Don't be humble.

Dr. Thomas Wilson.

DR. WILSON: I am the guy you like the best. I'm probably the last one.

Can you hear me all right?

MR. CHAIRMAN: Can everyone at the back hear? Yes. Okay.

DR. WILSON: Friends, politicians, and countrymen, lend me your ears. I have come not to bury Canada but to praise her. First, there are a number of young people around here. They're all good looking, all look happy and healthy, and this even extends to Mr. Trudeau's and Mr. Mulroney's families. We are a small bunch of privates here today entirely surrounded by generals. However, as far as I'm concerned, I'm a broken-down surgeon retired to Pigeon Lake.

Canada has been good to me. I was born and raised in New Brunswick, went to medical school in Toronto, was a medical officer during World War II, and served in a Montreal unit. I came to Alberta in 1949, 42 years ago. My wife was born in Winnipeg. She went to Toronto at an early age, graduated in nursing there, and we were married in 1942. I consider myself a Canadian before an Albertan. Canadians only love their country when they're away from it. In that way we are different from the Americans who love their country when they're in their country but are called ugly Americans when they go away. I'm a monarchist. We have a nice lady who drove an ambulance during World War II who is our Queen. I would like to negotiate with Quebec. It is a distinct society and always will be. They supply some aplomb or something else that the rest of us do not have. There should be no special rights for anyone.

I feel we must have a strong centre. As far as the Parliament is concerned, it's all right, but the politicians all make too much money and sometimes don't conduct themselves too well in Parliament. I know it's a hurly-burly. The Senate we cannot afford. It consists of a bunch of old farts and political hacks and should be abolished. What should take its place is difficult. Since I'm a maritimer myself, I feel the maritimes should unite. It's ridiculous that P.E.I. with one quarter of the population of Edmonton has a Lieutenant Governor and a cabinet. A far as an upper House is concerned – and now I've abolished the Senate – I think we should have only 11 members. It should consist of two members from the Atlantic provinces, two from Quebec, two from Ontario, two from the west, one from the Northwest Territories, one from native peoples, and one appointed by the Prime Minister.

I feel education in Canada should have uniform standards. It would be difficult to administer, but perhaps there should be some examination for everyone that finishes grade 12, just like we have in medicine when you get your licence to practise. When you get your licence to practise in medicine, it's your licence to steal.

3:50

Today on the way here we stopped in so my wife could buy some drapes for our bedrooms. We call it our shack on Pigeon Lake. While there, I talked to a couple of young girls who were ardent Canadians. Indeed, most young people in Canada today want to be Canadians; they don't want to be Albertans or Quebeckers. There are many good things about Canada. First of all, medicare is a great thing. I think for rich people there must be user fees to make it fairer. At the present time we can move fairly and equally across Canada, and you can get a job if you so want to move. There are bad things in Canada too. One, particularly, is the national debt. Now it consumes 35 percent of our goods. The GST may help this; it may get the national debt down. We are overgoverned. We have too many politicians and bureaucrats who make too much money.

This is the first political meeting or constitutional meeting I have ever attended in my life, which has gone on for not quite 76 years. Thank you very much for listening to me.

MR. CHAIRMAN: Thank you very much, Dr. Wilson, for some provocative thinking. I'm a lawyer, and we get accused of the same thing doctors do, about the licence to print money or something like that. Somebody mentioned earlier that we can't make ethnic jokes. I think the same thing should apply to lawyers; we should stop making jokes about lawyers. That's impossible, I know.

Jack Ady.

MR. ADY: Thank you. Doctor, I have a couple of questions. The 11-member upper House or Senate that you describe: would you propose that they be appointed or elected? If appointed, by whom?

DR. WILSON: It doesn't matter to me one way or another. I feel that in Alberta this triple E Senate is a no-no. I don't think it will ever work. I agree with Joe Clark on that.

MR. ADY: A second question. You talked about a user fee in health care, and that is bandied around a lot, particularly in western Canada. Would you therefore advocate the decentralization of power in the health field back to the provinces to allow them to do that? Presently that's prohibited under the Canada Health Act by the federal government, and it would be necessary for that power to be given to the provinces to do that.

DR. WILSON: Uniform standards, probably better administered by the provinces.

MR. ADY: Thank you.

MR. CHAIRMAN: Other questions or comments?

Yes, Pam Barrett.

MS BARRETT: Could I just get clarification of that last point? Did you say uniform standards but administered by the provinces?

DR. WILSON: Yeah.

MS BARRETT: So by "uniform," they'd be negotiated either by all provinces or with the federal government but provincially administered. Is that what you meant?

DR. WILSON: I'm not quite sure of that, but I feel that certainly we should have uniform standards. I think everybody would agree with that. But I'm not quite sure how it should be administered. I suppose those who put money into it should, you know, take out from it too. I'm not sure of that. I can't answer that question.

MS BARRETT: You answered part of it though. Thank you.

MR. CHAIRMAN: Bob Hawkesworth.

MR. HAWKESWORTH: Thank you, Mr. Chairman. Thank you, Dr. Wilson, for coming this afternoon. You mentioned that you would like to negotiate with Quebec and you believe they're a distinct society. Maybe you can give us some thoughts. How do we recognize Quebec as a distinct society without sort of creating special rights for them?

DR. WILSON: I think we should give a bit. We're a rich province, and I think we should give more right now to the poorer provinces.

MR. CHAIRMAN: Dr. Wilson, I don't think there's any doubt that we presently do that as Albertans through the taxation system at the federal level, and that is entrenched in the Constitution with respect to the 1982 Constitution. So the equalization payments and so on are indeed entrenched in the Constitution. Quite frankly, I've never heard people really object to that.

DR. WILSON: Well, I'm glad to hear you say that, because I was afraid that if we became just satraps or became just a powerful Albertan community, we wouldn't have that equalization of wealth and knowledge and everything else. We're much better as a whole than we are as parts.

MR. CHAIRMAN: Well, this is the fourth day of hearings, and so far we have not had anyone come forward suggesting that the Constitution be amended to change the requirement for equalization payments which is now in the Constitution, other than some separatists, I guess, who have a different perspective on the whole country.

Thank you very much for your thoughtful comments. Maybe it won't be the last time you'll come and give us your advice.

DR. WILSON: Well, no, it isn't that, Mr. Horsman, and I don't have to write you because you already have my letter.

MR. CHAIRMAN: Thank you.

Harry Gaede and Alan Fielding.

Just before these two gentlemen commence, I should point out that we're running just about on time. We always leave an hour at the end of the day for additional people. We have those spots now filled up as well, so in addition to these gentlemen we have four presenters who will be coming forward.

Welcome, gentlemen.

MR. GAEDE: Thank you, Mr. Chairman and panelists. We appreciate the opportunity of coming here. Alan and I thought we could both fit into one slot, and we thought we would do it that way.

What I would like to say is that we'd better remember what this country is all about, and I think perhaps we've taken this country too much for granted. Most of you may remember the recent comments from the OECD which stated that Canada was near the top of all countries rated as to quality of life. I can tell you from my own experience that Camrose is near the top of Alberta, and I know Alberta is near the top of Canada. So this is literally one of the best places in the world to live.

MRS. GAGNON: That's because of their MLA.

MR. GAEDE: Well, that might have a little bit to do with it.

Although I was born and raised in Alberta and educated here, I've traveled extensively throughout the world, and I lived outside Alberta for about six years of my life. I lived in Quebec for a couple of years, in Nova Scotia for a couple of years, in Ontario and Manitoba, and I've traveled all over Canada from north to south. Now, I think we have to ask ourselves: how did this remarkable quality of life come to be? I think we recognize that obviously our natural resources had something to do with it, but there are countries equally endowed who have not had our success. We also know that there are other countries without significant natural resources, such as Denmark, Switzerland, and Japan, that have highly rated qualities of life.

I believe the success we've had in Canada is due in large part to the relative freedoms of our political system. That isn't to say that our political institutions don't need to change. I think there is some considerable consensus that we do need to change. But what I would like to say is that despite this consensus for the need to change, we have to recognize that whatever change we have has to be evolutionary rather than revolutionary. If we expect to have a revolutionary kind of change, it simply is not going to work. We've got to keep this thing in some kind of perspective. Now, within that context I think there is some consensus, and I've heard it here today, that we have the need for less government. I can suggest a couple of things that might work very well. I think we could regionalize into four or five regions of approximately equal size, and that way we could have a better balanced political system. I don't expect that to happen overnight, and that would have to happen through negotiation.

4:08

Like other people before you – and you've probably heard this every day you've been here – I also think we have too much government. We have too much government, too many bureaucrats, too many politicians. Now, that could be cut down substantially and we could still provide the same services. We do not need the kind of levels of government we have in Camrose – three school boards, county and municipal governments, provincial government, and a federal government – to govern 50,000 people. I support the comments of Dr. Wilson relating to Prince Edward Island. We need to have more balanced regions so we have more balanced power.

I think our political system has become too adversarial. Now, I'm not so sure that in the kind of democracy we have we can make it any less adversarial, unless we do so by some kind of consensus with the co-operation of the media. Perhaps it has been no less adversarial than in the past, but we have it front and centre because of TV. So somehow we've got to get a situation where we can have some constructive criticism from opposition without the incredible defensiveness of government whenever government is attacked. Any bureaucrat claimed to have done wrong is protected with all the resources of the government. We can't have that kind of system and expect to get something done. But we still have to have a democratic opposition that can make criticisms without toadying up to the government.

We as Canadians have been recognized as a nation of compromisers, and I think this must continue. I think we have to become more tolerant of each other, especially of the aspirations of Quebec. Now, I'm not asking you to sell the farm to Quebec, and I don't think Quebec is asking us to sell the farm, except for a few extremists. I think we have to recognize the fact – and I agree again with Dr. Wilson – that Quebec is a distinct society of sorts. Their needs are, as we have heard many times, to have protection of the group. You can't protect the group without infringing to some extent on individual rights. But that is the way society works; that's how politics works. You are always balancing the needs of the individual against the needs of the greater society. So I think what we have to do is recognize that there perhaps is an area where we have to give a little more to Quebec than otherwise might be wished, but we need to educate our population to recognize that that is not an unreasonable request. We need to educate Canadians.

I heard Mr. and Mrs. LeBlanc, and I felt very badly when I heard them because I recognized myself. I'd been educated totally in Alberta. I went through high school, one of the best high schools in Alberta, in Edmonton. When I was going to university, the caretaker in our apartment drove me to university one day. His name was Coté. I said, "What part of Quebec did you come from?" He was very offended. He'd been born and raised in Alberta. I didn't even know we had a French community in Alberta when I was going to university because we had never been taught. I never had the opportunity to learn French in Alberta. I tried to bring French into the school systems here and there's no encouragement. We need to fund teaching of French education. If we're going to do it, we have to do it from the bottom up, not the top down.

I think we need a looser, restructured federation, simpler political institutions, and less government, and I think we can do that without compromising the safety net which has been created and which most Canadians seem to want.

Thank you very much.

MR. CHAIRMAN: Thank you.

Mr. Fielding, do you wish to add something?

MR. FIELDING: Thank you, Mr. Chairman. My remarks are a little bit different from Harry's thrust, but we could perhaps answer some questions later, if you wish.

I'd like to begin my brief remarks by quoting the opening sentence of a book called *The Future of Canadian Federalism*. It goes as follows:

> By the beginning of 1964 public debate about the terms on which French and English cultures could continue to co-exist within a single Canadian federal state had become intense.

I quote that just to point out that constitutional tensions have been around for a long time. This was a book which was published in 1964 or 1965, and even at that time there was a serious question as to where our country was going in terms of the constitutional framework we wished to have to govern ourselves. What I take that to mean is that while these tensions have been around for some time, they have not really been resolved. They have not been resolved at all, I might say. They've been exacerbated by some of the events of the last 25 years. The referendum in Quebec in 1980 gave a bit of a respite, but then we've had the failure to agree in a unanimous way on the patriation of the Constitution, the failure of Meech Lake, the rise of populace discontent in Alberta, among other places, as evidenced by the Reform Party.

What can we do about this? Being married to a Swiss woman, I have taken an interest in looking at the Swiss constitutional arrangements. As you probably know, Switzerland has three official languages – German, French, and Italian – four national languages, and a surprising degree of decentralization. One of the most interesting examples of that is the fact that citizenship is not granted by the Swiss central government; it's granted by the local municipal government. Now, that is real decentralization. There are other examples, but basically their cultural and linguistic rights are largely the responsibility of the cantons, which would correspond to our provinces, and they are highly prized in all areas of Switzerland.

What there seems to be is a real desire among most of the people to learn the other official languages. It's become an important factor in any education a person might have in that country to learn at least one other official language. This is not done by way of legal imposition, and this is where I think a number of people have probably pointed out to you that they feel they have been forced or there's been an imposition of French and so on. But I think we can't go too far with this. There is an educative function, I believe, in language laws which helps to encourage the development of a degree of communication and linguistic duality, which I think is important.

Another example in Switzerland: when they did have some linguistic difficulties, they created a new canton. In essence, a new province was created in the French-speaking area of a German canton – now that canton is largely a French-speaking one, canton du Jura – and that was a way they accommodated themselves. So what you may have to do in decentralizing power is recognize that there are differences among the regions. Quebec is a distinct part of Canada. I think we have to recognize that; we should recognize it.

What we need is to maintain minimum standards. Of course, we can't call ourselves a country if we have a terrible divergence of standards of living and qualities of health care or education among the different areas. But as has been mentioned before, I think this can be addressed in the way of transfer payments. I was happy to hear Mr. Horsman state that there really has been no objection to the principle of transfer payments. So I think we can accommodate regional differences while at the same time preventing terrible disparities among the various regions of the country.

The Constitution can only provide a framework, I believe, for our life in society; it can't provide everything. The only way Canada will stay together is if people want it to stay together, and that is going to happen only if there is respect and a genuine affection among all Canadians from all parts of the country. Tolerance is fine as far as it goes, but I don't think it's enough. It's not enough to say, "You stay out of my way and I'll stay out of your way." That's not enough, I would suggest, to have a thriving country.

4:18

What we need is more exchanges, and I would hope that in some way ways could be found, both publicly and privately, to encourage exchanges on a personal level so we can get to know one another. We can travel. Obviously one of the things in Europe which is easier is that you travel for an hour and you're in another country or in another language area. We have to work harder at it, but I think we can do it. We've had some exchanges from Quebec. We've had exchanges the other way. This is the way to create understanding and respect.

Thank you.

MR. CHAIRMAN: Thank you. Your timing was precise and right with the bell. I think you made some interesting comments, and I know there will be questions.

Yolande Gagnon, Jack Ady.

MRS. GAGNON: Thank you. I was interested in your comment, Harry, when you said you didn't even know there were French people here. I was born here. I won't tell you how long ago. A lot of people have said to me, "When did you come from Quebec" or "Why don't you go back." I spent only two weeks there in my whole life. In any case, I found your presentation very generous. There's a generosity of spirit which is heartwarming, I think, for us to hear. It's constructive.

I'd like to ask you about the powers, maybe the need for decentralized powers with some kind of federal mechanism to make sure everything is working. It's not something we've heard that often, and I wonder if each of you, without getting that specific, would like to try and tell us which things would make more sense to be a power within the jurisdiction of a provincial or maybe even a municipal level.

MR. GAEDE: Well, the power structure I see that's causing a problem is the disparity between the power of the large provinces, Quebec and Ontario, and the smaller provinces. I think perhaps it may well be, in the near future anyway, that we're not going to have parties that are representative of the whole of the country anymore. That may well be what is happening, especially if we become more decentralized, and it may be that we can then make the compromises and necessary accommodations if the various groups are more or less of equal power. I think this is the real problem. We could have a region, say, of B.C., a region of perhaps Alberta and Saskatchewan, a region of Manitoba and northern Ontario; break up Ontario. Quebec maybe would have to be broken up into two parts and the maritimes one part. Now, I'm not saying it has to be this way. All I'm saying is that we need some kind of mechanism where the voting power of the regions is more balanced than it is now.

MR. FIELDING: If I could just respond briefly to that. With respect to powers, I think the present provincial powers we have are certainly a good place to start. One thing I meant to mention and forgot is that perhaps some provinces would want more powers than others, and I think this would be just fine. For example, if Quebec wanted more power over immigration, that doesn't bother me. It may be that the maritimes or other provinces would have less interest in those powers, bearing in mind that when a province or a region wants more powers, they've got to be able to pay for them; they have to be able to provide the services and the infrastructure to provide them. So why can't we be more flexible in terms of powers? If some provinces want certain powers and others don't and want the federal government to handle those areas, I think that should be possible.

MRS. GAGNON: Thank you.

MR. CHAIRMAN: Jack.

MR. ADY: Yes. Harry, in your comments you talked about some of the levels of government we have right here in our province, specifically right here in your own city. You have three school boards, a county, a city council, a provincial and a federal government.

MR. GAEDE: Each with its own bureaucracy.

MR. ADY: Yes; all right. Which of those would you see eliminated? Would you see the school boards being merged into the county and then the county being merged into a joint government with the city, something along that line? What do you really . . .

MR. GAEDE: Perhaps. I think what we'd have to do is go to the people. The fact is that I don't think we can justify a structure where we have – I'm not sure exactly with school boards; I think it's something like 143 school boards. That's insanity, in my opinion. We need regional representation: rural school boards, city school boards. Basically, Calgary and Edmonton school boards cover most of the students in the province and the rest of the school boards have the rest. I mean, that's too many school boards. So I think you would want separate school boards, but instead of 143 you could have maybe 10 or 12. Similarly for the county. Maybe we have to join the city and county together. I think there are other ways of balancing it. Why do we have to have two sets of bureaucracies: a county office, a city office, et cetera?

MR. ADY: On the suggestion you made about regions, would you see the provinces as we know them being done away with and a regional government, or would you see the provinces gathering together to form a region and maintain their identity as provinces?

MR. GAEDE: Well, at least to start with, I think we would have provinces coming together, because we have to remember that we have to start from where we are. We don't have the power to start all over and set a new political Constitution. What we'll have to do is negotiate some kind of deal that works. I mean, the only reason the provinces would go together is because it works better than the old system. So what I'm proposing is negotiating something that works better than what we have now, and that's why I suggested the incremental approach. It may be tough, it may take a long time, and we should not be impatient.

MR. CHAIRMAN: One question I have for both of you is on the subject of the reform of the Senate. Do you have a position?

MR. GAEDE: I think we've got to replace it with something else. If we had a more balanced government system like I suggested, and we have a written Constitution, I think we can work without a Senate.

MR. FIELDING: Well, I think presently it's intolerable that we have a Senate that can hold up the properly passed legislation of the House of Commons. That is just totally unacceptable. We've almost had a constitutional crisis on at least two issues in the last couple of years relating to this. I hope we can somehow get Senate reform back on the front burner, because we need to definitely reform it.

MR. CHAIRMAN: I was intrigued by your comments about Switzerland. The Swiss ambassador was in Alberta a short while ago and we were talking about federations. He made a comment to me that looking at the Canadian structure, it looked very good to him. I said, "Gee, everything I've been hearing about Switzerland is that it looks very good to Canadians." So it's interesting. We both came to the conclusion that the grass is always greener on the other side of the fence.

MR. FIELDING: It's always greener; that's right.

MR. CHAIRMAN: Bob Hawkesworth.

MR. HAWKESWORTH: Just one question, Mr. Fielding. I appreciate, as Yolande has mentioned, the sort of spirit you've brought here this afternoon. You've also brought an idea that I haven't heard too many people express yet, and that is the concept that under our federation Quebec might have more powers than the other provinces. To protect what they see as their vital interests, would you say? I wonder if you could maybe expand on that a little bit more. You mentioned immigration, but this one's fraught with difficulty and also may be the key to unlocking the problem we've got in the country. I'm wondering if you could just take a minute to expand a little bit on this division of powers where Quebec might have something other provinces might not have.

MR. FIELDING: Yeah. I would like to suggest that maybe we should get rid of the bogeyman of saying that if one province has more powers than another, somehow they're better or they're more important – your initial reaction: if they have that power, why can't I? But the fact is that certain provinces are more interested in certain areas than others, and I think immigration is very important to Quebec. Why not let them have more jurisdiction over those areas? I would see us starting from a situation where almost everything is up for discussion and let's see what the various provinces want. Now, I agree there are bound to be difficulties, but at least let's discuss it. Let's not just reject out of hand the idea that every province has to be exactly the same or reject the idea that no province can have any more powers than the others. If a certain province, Alberta, wants to have more jurisdiction in a certain area, why shouldn't it be able to do so, having in mind the fact that they would also have to administer it and pay for it? Now, I guess the answer to that might be, then, that that effectively excludes the poorer provinces from expanding their jurisdictions, but surely it could be a matter of negotiations. Again, for basic services we have the mechanism of transfer payments available.

4:28

MR. HAWKESWORTH: Maybe I could just ask a supplementary then. We're trying to recognize what Quebec is saying are their vital interests in preserving, I guess, the French fact in North America. I think Alberta could make a strong case in terms of their vital interest, protecting the ability to develop natural resources. Would you think that if we quid pro quo, maybe Quebec could look after its language and culture if Alberta could be exempt from federal interference in using environmental legislation to limit Alberta's ability to develop its natural resources? Not that I'm advocating this; I'm sort of opening up very much a hypothetical here just for reaction from you to see if I understand what you're saying and if there's some way to avoid some of the difficulties that might come from the proposal.

MR. FIELDING: Well, I suppose in practical terms that might happen. If you start getting into a bargaining session, Alberta might say, "Look, I'll support you on this if you'll support us on something else." I suppose that's inevitable. I wouldn't like to see it put on the base of a quid pro quo. Rather, I would like to see it that every province should be able to say what their interests are – what do we want? – and try and find a way of accommodating that.

MR. CHAIRMAN: Well, thank you both very much for your presentations and for reminding us all at the outset of your comments, Harry, that we have it pretty good in this country and must have done something right getting where we are.

We have four additional presenters. Ray Reid, first of all. Go ahead.

MR. REID: Who am I?

MR. CHAIRMAN: Your name's Ray Reid.

MR. REID: You're right. What am I? I am a soul with a body and a mind. What am I doing? I am learning and growing. What am I learning about? I am learning about the things that create limitations within my life, my fears. What do I need? I need a safe place to address and deal with my fears. What are fears? Fears are perceptions of threat to my life, language, gender, race, family, faith, and right to speak without censorship on any of these subjects.

How do I make Alberta and Canada safe? Firstly, I would deal with democracy. What we have now is party politics. Party politics is a sham on democracy. How do we deal with it? Make the representatives responsible to the constituents and give the constituents recourse. If that representative does not vote in accordance with the majority of his constituency, turf him. How do constituents learn what is best? Freedom of information. Allow the information of government to be heard and known outside the caucus. Take away the fears of secretiveness. Make our government open and responsible to us. Thirdly, eliminate victims. Create an awareness of how individuals are responsible for their own plight. The only victims are those people who refuse to recognize that they have created their own reality.

I'd like to address taxation. From what I've seen of it, the GST is the best tax they've ever come up with. Why? Because it's fair. If you spend it, you pay, and if you don't spend it, you can accumulate. The income tax system as we have it now is a shambles and it's a sham. People who are making $40,000 or less are in this bracket, and once they've hit the wall of $40,000 they quit. I can give you an example. I have a friend. When the census taker came to his door, he said, "What do you do?" He replied, "I'm a part-time doctor." The guy laughed at him. He said, "What do you mean, you're a part-time doctor?" "Well, I'm a part-time doctor." He said: "Yeah. Come on now. What are you really?" He said, "I'm a part-time doctor." "What's a part-time doctor?" "Well, I fill in for other doctors, and when I reach $40,000 a year, I'm not a doctor anymore; I quit." Our whole society quits when they reach that wall because there is discrimination against making more money. We have a tendency to tax the people who are the most productive in our world unfairly and to give the people who are the slackers the greatest breaks. We deny them the right to create their own reality through a taxation structure called income tax.

Now, let's take a look at the Bank Act. We've been talking about interest rates and how interest rates have to be used to control inflation. I remember a time when they used the amount of money you had in your jeans to control inflation, and they would change the amount that was able to be borrowed against a project. In other words, if the economy was starting to run away, they increased the amount of cash down. At that time it was illegal and usurious to charge over 8 percent interest.

Let's take a look at multiculturalism or bilingualism and biculturalism. It was put into effect with a very good premise in mind. What it did was exacerbate the problem because it stressed the differences. Believe me, when I have a friend, my friend and I have something in common. Unless we begin to acknowledge what we have in common with other races, with other languages, with other people, we're going to exacerbate the fears that we need to learn about. When we start to recognize that the French fears are the same as the English fears, Alberta fears are the same as P.E.I. fears, those are things in common. Those are things that we need to find safe to deal with.

4:38

It doesn't matter what my race is, my gender is, my political bent is, my technological advancement is. When government tries to legislate safety, it eliminates my ability to grow. I noticed the message on the pen I picked up outside that I was writing some notes with. It says Safety: It's up to You. Fine. Make the people of this country responsible. That's spelled r-e-s-p-o-n-s-i-b-l-e. Make it possible for the people of this country to be heard and to have power so that they can once again believe that they do make a difference, so they will once again come out and vote. Right now we're experiencing in the country a belief that you have no power, so why bother? Your only charge as governing peoples is to make this country safe for me to address my fears.

MR. CHAIRMAN: Thank you, Ray. Are there questions? Yes, Gary Severtson.

MR. SEVERTSON: Yes. Mr. Reid, you were referring to the lack of democracy, that the governments, no matter who they are, don't respond to people and what they want to be done. Then you went on to say that the GST is the most fair tax that has ever been put in. If you used your logic and ran government by polls, that tax would never have been in. I would say that the majority of Canadians were against the GST. If they had listened to what the people said, then the GST wouldn't be in and they wouldn't have what you said is this fairest tax.

MR. REID: Is it possible that if the government had listened to the people, we might have had a better tax? There's always something better.

MR. SEVERTSON: Well, I'm not saying that I agree with the GST or disagree; I just was referring to your opening line: listen to the people. I would say that the vast majority of people said, "No, we're not for the GST." Therefore, it wouldn't have been there, and therefore you wouldn't have had that.

MR. REID: That's true, Mr. Severtson. The majority of people did say no, and the government put it through. What I'm saying is that from my perspective, the GST is the fairest form of tax. That was my perspective. However, I'm not denying the fact that with further discussion there could be something better.

MR. SEVERTSON: One more supplementary. How do elected people evaluate who the majority is that's speaking? In some clear cases like the GST it's not hard, but in my constituency there's an awful lot of issues where there's not a clear consensus for or against something.

MR. REID: It may be that further discussion of those issues would bring about a fair consensus. It may be that by sitting down with all of our people, or all of those who are interested in creating their own reality, we would end up with a far better forum than we have presently. We need more input. From my perspective what is necessary is that the people need to believe that they make a difference. This forum is an honest attempt, I believe. It's too bad that so many people still have that belief that they don't make a difference.

MR. CHAIRMAN: Any other questions or comments?

Well, listen; thank you very much for coming forward and stating your views so forthrightly. Hopefully, as you say, we can perhaps do more of this type of thing, go around the province and get the points of view of Albertans. I appreciate your coming. Thank you.

Valorie Forsen.

MRS. FORSEN: I've waited a long time for this.

MR. CHAIRMAN: Your patience is noted.

MRS. FORSEN: Yes. I thank you for having me here. Mr. Chairman, hon. panel members, and fellow Canadians, you wanted to hear from average Albertans, and I'm about as average as you're going to get. So you'll have to put up with my mistakes, but I hope to get across my feelings and possibly the feelings of quite a few others that I've talked to. I've tried to write it down as best I could. I started out with a seven-page brief. With the few notes I've written down today, it ended up to be 11. So bear with me, and hear me through, if you don't mind.

I would like to thank you for this opportunity to speak and to express my feelings and the reasons for wanting our Canada to remain united and the land of the free, for which all of us are paying much too dearly at the present time, I believe. We just have never had the right to speak for ourselves before, and I do really cherish this opportunity.

Besides being taxed to death every which way you turn, they still say we have a deficit to recover. Our forefathers left us with this debt, and we hope to pay it off so that our children and our grandchildren will not be left with the mistake our grandparents made. As said in the American Constitution, "All men are created equal." No one is better than the next, regardless of colour or religion. We are all working towards the same goal: to keep this country of ours together and a home for the brave and free, all of us one and one for all, one Canada.

On Constitution and discrimination, approximately word for word a quote from former Premier Ernest Manning: everyone who ever came to Canada, no matter from what country, became bilingual. Besides their own language they had to learn English. Why, then, should they be told that they had to learn French in order to be eligible for a position with the government?

We are all, from the time we are born, bilingual. I have tried to learn from my many friends their different beliefs and religions, rituals. We all have our own religion and culture that we were handed down from our ancestors. As Canadians we still believe this is a free country, and we are all safe in believing that we can do as we please in our own homes without having our neighbours say that we should not be allowed to follow our own beliefs. I still believe in the Queen, and if you'd like to look at my shirt, I still believe in the symbols of Canada and the RCMP hat, which is not a turban as far as I'm concerned. I'll come to that later. I still believe in what I was brought up to think represented Canada.

Now, let me get back to what I had written down here. We all have our cultures that we were handed down from our ancestors, but as Canadians we still believe this is a free country and we are safe in believing we can do what we please. I still believe in the Queen, the RCMP, and, to a point, even in government. We were taught as children to salute the Canadian flag, be it the Union Jack or now the new Maple Leaf. May we stand united. As for the RCMP, they were always known for their red tunic and the brimmed hat. Why change now? They're recognized worldwide, and that was always a symbol of Canada. With the RCMP Musical Ride I believe that we've gone through American cities, wherever, and they recognize the uniform as being Canadian. I'd like to keep it that way. It's been brought down since I've been to school anyway.

4:48

From long conversations with my many friends I still believe the only true Canadians are the ones that were here when all of our ancestors arrived at the borders of Newfoundland or Nova Scotia when Canada was discovered. The aboriginal people, I believe, are the ones really being discriminated against. From the early days of settlers in Canada to the days they started their march west to open up this new country of ours, the aboriginal people were just pushed out of the way so that our grandfathers could start their homesteads in this new promised land. They found their way west and settled in their new country with the hope and the prayers that their children and future grandchildren would live in a country of the brave and free, a freedom to express their desires and the dreams for our children and those yet to follow.

From the very beginning the native Canadians, might they be Metis, Blackfoot, Cree, or whatever tribe, were pushed back or aside to make room for the new Canadians that moved west to claim part of the new land. Soon it was the government from either Upper or Lower Canada that decided the natives should be allowed to keep only so much of the land that belonged to them before the settlers came. They were pushed back further and further. We were the ones who took their land, and then we told them that they could only have so much, today known as reservations. They were not allowed off of this so-called property of theirs without some form of hatred and discrimination felt against them. They were stereotyped as being native. They were thought to be redskins and mostly drunken natives.

In my half a century in being a true Canadian, born and bred here, I have had many friends of many different nationalities, but the native friends I have I still believe are my truest friends. There are many so-called white people that would sooner stab you in the back to further their positions than shake your hand and be friends. My native friends are real. We have always been able to discuss problems and work them out together rather than lose friends over some silly matter. Most of them, whether they're full-blood or half-breed, were still looked upon as Indians. Stereotyping shows them to be drunken, lazy, destructive. If you let them off the reservation, you kept your children at home or else they would have been scalped or raped by these so-called Indians. When they were allowed to come to town shopping, they were taught to buy either vanilla or Lysol and get really drunked up and dangerous.

There was a strip in the city where most of them gathered and felt safe in each other's company. The strip, as it was called, had what we considered the most distasteful type of people who lived or moved in that area. It had drunks, prostitutes, criminals, or just the rubby type of person. When you drove down the street in that area, you drove very carefully and with your doors locked at all times. If you needed help with finding an address or a business in that area, you rolled down your window very little, asked for the directions, got your information, and left.

To this very day I still consider the native to be the only true Canadian. We should ask their permission of what to do with this country. It belonged to them first. We came, stole their land, made them settle on reservations, and only allowed them certain privileges. They have every reason to feel that they are the ones being discriminated against. In as many meetings the aboriginal people have had with government, they are still not allowed a position in Canada's future because of what our forefathers did to them from the beginning of this country of ours. They, too, are told that they have to be bilingual, which they already are.

We are still told that we have to learn French in order to be able to get a job with the government of this country. We are all bilingual from the time we are born. Then why should we have to be trilingual just because someone in Quebec decided that we should? If they are not happy with their life here in Canada, if they cannot live with the same rules as all other Canadians, then they should leave Quebec right where it's at, because it is part of this country. They can always go back to where their ancestors came from and leave room for the many people who want to come and live in this country of the brave and the free.

Long live Canadians and our many different cultures, each to their own religion and beliefs but with one goal in mind: a united Canada.

I thank you.

MR. CHAIRMAN: Thank you very much, Valorie. Are there questions someone would like to pose? We appreciate you being patient and waiting to give us your views.

MRS. FORSEN: There is one more brief that I have written here. I've handed it out to most of you, but I have one extra copy if there's anyone that doesn't have one. I won't be allowed to present both, but I would like you to read it.

MR. CHAIRMAN: Yes. Well, that relates not to the constitutional issue.

MRS. FORSEN: Not to the Constitution, but I still would like you to read it.

MR. CHAIRMAN: Oh, yes. Well, I've already glanced through it, and I appreciate that very much.

MRS. FORSEN: Thank you very much for hearing me out.

MR. CHAIRMAN: Russell Whitson.

MR. WHITSON: Thank you, Mr. Chairman. I would like to first say a few words regarding where I came from and whatnot. I was born here in Alberta some 77 years ago. My parents settled in Alberta and homesteaded before Alberta became a province, while it was still the territories. I have spent most of my life as a rancher in the general area.

Having served in the Alberta Legislature some 35 years ago and having served on school divisional boards before and during my time in the Legislature, the difference between the way the two bodies operated was vast. On the divisional board each member represented their constituency only. All members had an equal voice. The decisions were made after careful examination as to the value of the project being discussed and its cost to the taxpayers. Each member of the board had equal opportunity to put forward their views on each matter being discussed and to vote according to his or her view on which was best for the division as a whole and fair to his constituency. There were no parties and therefore no party pressure.

In the Legislature things were vastly different, where party discipline required one to vote as the party voted and nearly all decisions were made in secret in the party caucus. Any matter brought forward by the governing party was opposed by the opposition parties and vice versa, not because the proposal was not good but that the proposal came from a different party. I found it very frustrating in comparison with sitting on a school divisional board, where we sat around the table, discussed all issues. I was unconcerned about one person's politics; we concerned ourselves with the question being considered.

Having followed the House of Commons' proceedings in Ottawa, I truly believe the party system has become much more rigid in the last 20 years. At the present time party members may select a candidate for the constituency by way of a nominating convention, yet the candidate selected cannot run unless the leader of the party signs his or her nomination papers. This requirement indicates that the leader of the party does not place much faith in the ability of his party members in the constituency to choose a person to represent them in the House of Commons. It does indicate as well that the person is no longer responsible to the voters but to the party leader. In the event that the party forms the government and the leader becomes Prime Minister, it is he or she who appoints the cabinet or other officials as well as new members of the Senate, who would be beholding to him for the life of the mandate.

4:58

It would appear that instead of the members of the House of Commons being responsible to their voters, they are only responsible to their leader or the Prime Minister, indicating that we seem to be moving ever closer to a form of one-person government in that an elected member is not permitted to vote in the House of Commons as he or she prefers or as his or her voters prefer but must vote the way the leader instructs them to. In other words, the member is not controlled at the constituency level but by the party leader.

Now, my remarks, Mr. Chairman, are going to be just on a proposed Senate. In my opinion, by electing the Senate in the following manner, we would be turning a larger part of the final decisions to the voters in the constituency.

Number one, no political parties would be eligible to enter candidates in a Senate election or take part as a party in the candidate's nomination or election.

Number two, a candidate wishing to run for a seat in the Senate must reside in the constituency he or she wishes to represent for at least one year prior to his or her nomination.

Number three, the candidate must obtain at least a certain number of electors residing in each polling district in the constituency to sign his or her nomination papers. In my view this would help ensure that the candidate would become known and would have equal representation throughout the entire constituency. Also, donations toward the candidate's election expenses must be limited to individuals only and shall not exceed $200 per individual.

Number four is that the voting method be similar to the method used in Alberta provincial elections prior to 1957. That was known as the transferable ballot. If there were more than two candidates standing for election in a constituency, the voter would mark the ballot 1, 2, 3, or 4 in the order of his choice, depending on the number of candidates on the ballot. When the ballots were counted, if no candidate had obtained 50 percent of the vote plus one vote, then the second choices of the lowest candidate's votes would be given to the candidate as the voter had indicated. If a candidate still had not obtained the necessary 50 percent plus one vote, the counting would continue and transfers would be made until a candidate had obtained the required 50 percent plus one vote cast. This method of voting ensures that no candidate is elected with less than 50 percent of the votes cast despite the number of candidates running. Under our present method, when there are more than two candidates running, there are many members elected with sometimes as low as 30 percent of the votes cast.

Number five is that Senate elections be held on similar dates and in conjunction with the municipal election as conducted in Alberta, every three years. In order to maintain some form of continuity in the Senate, half of the Senate would be up for election each three-year period, meaning that a Senator would be up for election every six years on a fixed date.

Number six, the Senate would elect from among the elected Senators all officers required, including a Speaker of the Senate. Each officer elected would be responsible to the Senate members only, who in turn are representing the voters in their constituency. The Senate body would operate completely separately from the House of Commons. All legislation originating and approved in the House of Commons would be presented to the Senate body for review and final approval. Any legislation from the House of Commons would require 52 percent of the votes cast by the Senators in favour of returning the legislation to the Commons for amendment. Any legislation from the House of Commons would require the 66 percent of votes cast by the Senate in favour of killing the legislation.

The proposed elected Senate, not having party affiliations, would take a broader look at legislation. Those representing agricultural areas or fishing areas or lumber areas or whatever throughout Canada would have a broad look at all of Canada similar, as you'll notice, to the House of Representatives and the Congress in the United States. I've followed it quite closely, and you'll find that parties don't mean too much; they vote in blocs. In the midwest they'll all vote one way for a particular Bill. I think this would carry on in the Senate.

The Senate, I would suggest, would be made up of 100 elected members.

After careful thought, I believe that the nation as a whole would be better served if the country were divided for election of Senators by regions rather than by provinces. There are such large discrepancies in size and population of the 10 provinces and the territories. It would be very difficult to justify the same number of Senators for P.E.I., with such a small land area and small population, as opposed to two provinces like Ontario and Quebec and other larger provinces with much larger populations.

In the last number of years a large percentage of the people of Canada has become disenchanted with the political parties of all stripes. They believe that they have lost much of their control over government action and that too much of government business is done in secret and behind closed doors. No longer can they rely on their MP to deal adequately with their requests, as they believe the decisions are made at the top level and the representatives vote as they are told regardless of the voters' wishes. The proposed Senate, having no political parties involved and having each Senator responsible directly only to the voter in the constituency and not entangled in the party system, will truly be a body of sober second thought on all legislation passed by the House of Commons. An elected Senate should go a long way to restoring faith in those who represent the voter in that body and would probably encourage the party system operating in the House of Commons to relinquish the rigid control over the members that most parties practise.

Thank you.

MR. CHAIRMAN: Thank you very much, Mr. Whitson, for your background. I note you're wearing the symbol of membership in our Legislative Assembly, the Mace. I would just ask you: how many years did you serve in the Alberta Legislature?

MR. WHITSON: Unfortunately or fortunately, five years.

MR. CHAIRMAN: Five years.

MR. WHITSON: That's right.

MR. CHAIRMAN: I daresay you remember those days.

5:08

MR. WHITSON: Yes, and they were a great experience. I don't like to take your time, but I might just add here that I saw such a difference between school division boards, as I said sitting around the table. Really, my greatest satisfaction had to come from the school division board. We had a school division board that was made up of a fairly heavy Ukrainian population in the north half. These youngsters were going to a one-room rural school. They only had to go to grade 7 or 8. We centralized those schools and brought them all in together, and in one generation that difference in nationalities disappeared completely. Also, those youngsters were able to finish grade 12 instead of being tied back on the farm.

MR. CHAIRMAN: Thank you very much for your thoughts on Senate reform. As you might expect, we've been getting a great deal of support for the concept of reforming the Senate. Not everybody agrees on all the details, but certainly it's been mentioned quite often during the last four days of our public hearings.

MR. HAWKESWORTH: Just one brief question, Mr. Chairman. You made the comment, Mr. Whitson, that people feel they've lost control over government. Do you feel that that's the legacy of the GST debate, or is there something more that goes beyond the GST?

MR. WHITSON: I think, sir, that I would have to go back, as I said here, 20 years, it seems to be. I'll have to go back and say that I believe that it started to some degree with Mr. Trudeau, and it has continued on. He was a strong man, and our present Prime Minister carried on in the same way. You know, they seem to have made the decision. Prior to that, under Mr. Pearson, it was much different. I'm not blaming those people, but as a result many of the general public are really disenchanted.

MR. CHAIRMAN: Thank you very much for coming forward. It's been an interesting conversation.

MR. WHITSON: Thank you very much for allowing me to.

MR. CHAIRMAN: A pleasure.

Dr. and Mrs. Nattress. This is our last presentation for the afternoon. We welcome you, and I note that you were with us yesterday in Lloydminster. You must be very interested.

DR. NATTRESS: Mr. Chairman, panel members, and other ladies and gentlemen, we thank you for the privilege of presenting our opinions. We are Marge and Ron Nattress from Lloydminster. We were present yesterday, and after listening, we got some idea of what the meetings were about and decided we'd come today and listen and maybe express a few of our opinions. We appreciate what many of the other speakers have said, particularly the remarks of Douglas Russell of Red Deer, with whom I completely concur.

Marge is a nurse, and I'm a doctor. I recently retired after 40 years of practice in Lloydminster, and subsequently we spent two months this winter in Lesotho, Africa, as volunteer medical relief at a one-doctor, 40-bed hospital, which serves 45,000 poverty stricken people. The husbands of these families work mainly in the South African mines. I outline this only to try to demonstrate that we, like you, are here with a common interest: to try and help get the best arrangements possible for people provincially, nationally, and globally. Marge has said she would just as soon say something at the end, so she will have the last word. I'll be very brief. I'm going to just give some points in point form. I think quite a few of them may have been covered initially. I'll touch on a few of these ideas.

Firstly, I believe deficit financing is dishonest when it reaches certain levels where there is no easy possibility of repayment, and as such it needs to be illegal in our Constitution. I oppose the divisiveness of government support of multiculturalism and the impracticality of encouraging self-government for ethnic groups, for example the natives. Thirdly, I believe the Charter of Rights is far too broad and has resulted in making our justice system too slow and very expensive and has produced detrimental effects which outweigh the good features. I enjoy Canada as an officially bilingual country but with little or no government or legal interference that requires bilingualism. Let common sense rule in local areas.

The natives are crying out for help. They're unhappy with their life-styles, and they believe that discrimination by us is their problem. In my medical experience their largest problem is discrimination within their families, not discrimination by new Canadians. They hold each other back. They have the cultural viewpoint that what belongs to one member of the family belongs to all. This is a very difficult thing for them to live with. These are cultural features which we are mistakenly trying to preserve.

Regarding land claims, I believe we have to settle them. We made these promises. They may not be as entirely applicable today as at the time when they were made, and some consideration will have to be given to this. But I think the native people have to help themselves before we can help them. I think anybody has to start helping themselves, or there's no chance of helping them. Your best efforts will go down the drain.

As Canadians I think the time came in the treaties when there was a division of land, and at some point this land – I don't know whether you'll agree with this idea, but I'm going to just set it out anyway – was owned by the new settlers and owned by the natives. When the new settlers sold their land, this money that was taken was used for the benefit of Canadians. We all paid for our land, and that was used for the benefit of natives as well as the new Canadians. I think some consideration should be given to the natives as Canadians, and when they have their land title settlements, they should have the privilege of using some of that money for Canada as well as for themselves.

I'd also like to just mention that the spending promises of government in seeking election are a very difficult thing. When we want to meet our debts and at the same time be re-elected, we come across a situation where both features are at odds with each other. I won't say more about that.

So to recap our suggestions for Alberta for constitutional reform, we would recommend a balanced budget by incorporating in the Constitution the illegality of deficit financing – and by a balanced budget I would include the rapid repayment of principal and interest on debt – and that we recognize in the Constitution that government maintenance and promotion of multiculturalism is divisive for Canada and that a meld would better promote more harmony. Families will pass along cultures, not governments.

That the government rework the Charter of Rights: it is far too broad. Among other things it has firstly resulted in a great legal backlog with release of untried criminals due to time limitations. It has given minorities a protected position from which to force their life-styles and beliefs and wishes on the majority. The meaning and power of minority rights has been misapplied in the courts in my opinion. It has given a false idea of what are rights and what are merely desirable situations. For example, equal pay and nonabusive treatment of women are obvious rights, but free medical treatment, which is now perceived as a right, is desirable but not basic, as is the privilege of bilingual school tuition in all areas. I don't think that's a right, but it's possibly desirable.

My next point is that we have unforced bilingualism and, lastly, that we treat natives as Canadians. They can be helped when they help themselves but probably not before.

Thank you very much.

I'll give it over to Marge to say her remarks.

5:18

MRS. NATTRESS: First of all, I'd like to thank you for coming. I'd like to congratulate you because of your statesmanlike activities: all different political parties co-operating and all showing great respect for the presenters.

I really do think that we have a wonderful country. When we were away, we were very proud of Canada once again peace keeping, and we would like to keep that as one of the basic things Canadians do, including our feelings toward Quebec. We need to be tolerant; we need to help others.

I really feel that we've protected many rights. That's what government does: it protects the rights of us to have pure food. The reason I'm saying this is because I think we also now have to have protection for our weaker, younger children, our families, against evil. We've allowed Satanism, for instance. There should definitely be a law to prohibit Satanism. Our country was founded on Christian principles. I know you start your Legislative Assembly with a prayer. I know they do the same in the federal government. We shouldn't allow someone who does not want to be a Christian to not allow prayers in our schools, for instance. We've allowed a lot of pornography to come into our society. Children in Lloydminster don't have as many things to do as they do in some other places. They're watching MuchMusic; they're watching Madonna. They're watching things that I don't even want to mention. I think we also have to think about this as part of our society. Canadians are decent, wonderful people, and we want our youth to be the same way. A statistic I heard today was just horrible. I can't remember it, but I think it said that we have 70 percent more convictions than we had last year, and the majority of them are youth who are breaking into places. I'm not sure of those things, but I think we owe it to our founders, our grandparents, our children, and future generations, to keep Canada a decent place and free.

Thank you for coming.

MR. CHAIRMAN: Thank you both very much for giving us your frank and thoughtful views. Are there questions or comments anyone would like to make?

Bob Hawkesworth.

MR. HAWKESWORTH: Thank you, Mr. Chairman. I'd just like to ask, Dr. Nattress, if you've given some thought to the implications of making deficit financing illegal. Here in Alberta in 1985-86, I guess it was, when world energy prices dropped from somewhere in the mid-$20 per barrel down to as low as something like $10 per barrel, I think, our Provincial Treasurer ran up a $4 billion deficit that year. In the Legislature I've made some partisan comments about all of that. If our Constitution made deficit financing illegal, in what kind of position would that have put Dick Johnston or any other Provincial Treasurer in Alberta at the time? I mean, would you acknowledge that there are numerous circumstances when a government may have no option but to incur a deficit?

DR. NATTRESS: Yes, I would acknowledge that there may be times that require a change in planning. But what I was thinking of was that planned deficit financing – to get us into a situation where we have no chance of paying our debts – isn't a direction in which governments should go.

MR. HAWKESWORTH: So it's not so much deficit financing per se but that once it gets beyond the ability to manage, like getting into a mortgage that you simply don't have the income to support or something like that, at some point your debt becomes too overwhelming to manage. You're more concerned about that.

DR. NATTRESS: I would say there would have to be some limit. I don't know what the limit is.

MR. HAWKESWORTH: Okay; I appreciate that. Thank you.

MR. CHAIRMAN: Thank you very much.

Yolande Gagnon.

MRS. GAGNON: Yes. I won't be long. It's been a long afternoon for everyone.

I'm interested in your comment about education and the fact that we should continue to at least have the Lord's Prayer in a Christian society. Now, I have been contacted by people who feel that their children going to a public school should be free from religion and any type of religious practice and that that is their right as Canadian citizens. So we're dealing with a balancing act all of the time and all of these competing interests. When I say that the majority of the people in this certain area are Christian and are in a public school and feel that that is their right, the person indicates back to me, "Well, then you have a tyranny of the majority." How would you suggest one handle that kind of thing as regards the schools in a pluralistic society like we have?

MRS. NATTRESS: I think that maybe we have to take an ethical approach. Maybe that's all we can do. But at the moment I think we should take a Christian approach.

MR. CHAIRMAN: Thank you very much for your thoughtful presentation. We're now going to adjourn this panel of the select committee until 7 o'clock, when we'll resume in this room. The members of the panel are going to stretch their legs and have a bite to eat.

Thank you very much for joining us.

[The committee adjourned at 5:25 p.m.]

7 p.m. **Tuesday, May 28, 1991**

[Chairman: Mr. Horsman]

MR. CHAIRMAN: Good evening, ladies and gentlemen. It's now 7 o'clock. We shall reconvene the panel. For those of you who weren't here in the afternoon, this is one of two panels of the select special committee of the Alberta Legislative Assembly which are in the process of touring the province to seek out the views of Albertans on the future of Alberta in a new Canada. I'm Jim Horsman. I'm the Member of the Legislative Assembly for Medicine Hat, and I'm the chairman of the committee. I'll ask my colleagues to briefly introduce themselves.

MRS. GAGNON: I'm Yolande Gagnon, the MLA for Calgary-McKnight.

MR. HAWKESWORTH: Bob Hawkesworth, MLA for Calgary-Mountain View.

MR. ADY: Jack Ady, MLA for Cardston.

MR. BRADLEY: Fred Bradley, MLA for Pincher Creek-Crowsnest.

MR. SEVERTSON: Gary Severtson, MLA for Innisfail.

MS BARRETT: Pam Barrett, Edmonton-Highlands.

MR. ROSTAD: Ken Rostad, Camrose.

Welcome to those who aren't from here, and those who are, thanks for coming out.

MR. CHAIRMAN: This afternoon on my left is Garry Pocock, who is the secretary and the timekeeper. We were able to stretch out the afternoon somewhat and accommodate more people than had been anticipated. However, we don't have that same luxury this evening, and therefore I would ask that the presenters stick very closely to their 15-minute allotment. At the end of 10 minutes the bell will ring, and that will be your notice that if you wish to wrap up, you may do so or keep going. We'll let you have another five minutes, but if you take that full five minutes, then we'll preclude the opportunity of questions from panel members. We've had a very full day here in Camrose to date. We look forward to your comments and views this evening.

I would ask now for the presenters on behalf of the Camrose separate school district: Stan Grywalski, Wilf Backhaus, and Lawrence Dufresne.

MR. DUFRESNE: Thank you, Mr. Chairman. I'm Lawrence Dufresne. I'm the chairman of the Camrose separate school district. On my left is our superintendent of schools, Dr. Grywalski, and on my right is one of our trustees Dr. Backhaus.

Just to give you a brief overview of the district, our district operates within the city of Camrose, operates two schools, educates 430 children from ECS to grade 9. Some of the children that we educate come from outside of the city of Camrose, approximately 80 or 90 of them.

Our purpose this evening is simply to ask and encourage the provincial government to speak strongly in favour of the provisions of section 93 of the BNA Act, as confirmed by chapter 29 of the ordinances and section 17 of the Alberta Act, which grants the rights, powers, and privileges currently enjoyed by separate Catholic school districts in the province. Using our district as an example and looking to its mission statement, we can quickly see the benefits of protecting the rights, powers, and privileges currently enjoyed. To be specific, our district along with other separate Catholic districts in this province provides a learning environment where children can grow in body, mind, and spirit; provides a learning environment where children, with parents and staff, can learn about and celebrate the richness of the Catholic faith; and calls the children to serve the world in a positive and hopeful manner. In other words, our district is committed to Alberta children and to their formation as well-rounded and caring citizens.

It is important that institutions such as ours be allowed to continue their mission in a framework that offers security and permanency. We are aware that others have approached certain national leaders soliciting their support in favour of removing these rights, powers, and privileges from the Canadian Constitution. Therefore, we are concerned. However, we are also aware that this province appreciates the valuable and continuing service Catholic schools have provided Alberta children during the history of this province. We are therefore confident of its support in the upcoming constitutional debate and reform.

That is the end of my formal presentation. We are prepared for questions if the committee has any. We also have a handout that we will be distributing to the members in a few minutes.

MR. CHAIRMAN: Thank you very much. Do either of your colleagues wish to add anything? All right. Are there questions?

Yes, Yolande Gagnon.

MRS. GAGNON: We heard a presentation, I believe it was on Saturday, from the Edmonton Catholic school board Chair. He basically was making the same request: that the rights and privileges enjoyed through the BNA Act be continued. Other than some funding problems in some jurisdictions where the enrollments have declined, are there any other ways in which you see separate schools being threatened in this province? From my experience that is the only threat: a very low enrollment, restricted boundaries, therefore the school may be closed and the rights enjoyed in that area would be diminished. Is there anything else?

MR. DUFRESNE: Dr. Backhaus wishes to make a comment, so I'll let him.

DR. BACKHAUS: Yeah, I think there are some serious concerns coming up. There are recent decisions out of Ontario which impact on the right of the public school to impose any morality whatsoever, at least any morality that's clearly seen to be sectarian or more than just motherhood and apple pie. The Catholic school systems in Alberta have enjoyed constitutional protection of the sort that we can compel certain moral standards of our students and our teachers. This has been tested out in the courts. We're concerned that any diminution of those rights would affect our ability to discipline and therefore run the school system consistent with Catholic values.

MRS. GAGNON: Okay. A supplementary. I believe that what you're talking about is the fact that the separate school system has a right to hire Catholic teachers or Protestant teachers in the case of Glen Avon in St. Paul. They have that right because that underlies their philosophy. But are you concerned then that others would say, "We have to be freed up from this kind of possibility"; if that's the only school system in a town or a village, for instance, that they would not want to be subject to that kind of ruling? Is that the concern?

DR. BACKHAUS: Well, that's the concern that's being expressed, for example, in the county of Lacombe, where certain persons who are not Christians are concerned that a public school system is enforcing Christian values on them. I think that the way the law is going now, the people who are not Christians have a right to be concerned that the public schools are expressing Christian values, whereas as Catholics we have a right now to impose our values within our school system. There is no more fundamental right, such as the Charter of Rights, which could override that, and that's been tested in the courts in Alberta.

MRS. GAGNON: But how is that being threatened here in Alberta? That's my point.

DR. BACKHAUS: Oh, it's not being threatened at all. The question is: if section 93, for example, and the equivalent sections in the Alberta Act are removed, that would be threatened. In other words, it would then put it under the subjugation of the Charter of Rights, which requires us to eliminate value from the curriculum essentially.

MRS. GAGNON: Thank you.

MR. CHAIRMAN: Thank you very much.
Bob Hawkesworth.

MR. HAWKESWORTH: There have been some Albertans at our hearings who have made the case that under a new Constitution everyone should be treated the same: equality for everyone, no special status for any group or collective group of individuals. What I hear you saying this evening is that at the present time our Constitution recognizes diversity in some regards and protects minorities, especially in the case of our Catholic separate school system, and that it's a value we've traditionally respected in our Constitution and one we should continue to respect. Would that be a fair summary of the point you're here to make tonight?

MR. DUFRESNE: Yes. Our experience is that a school district that supports a value base that's recognized in the community as being worth the support has been a very good way of assisting the students to become good citizens, caring citizens. So we're speaking from that experience, and that's why we want to retain that privilege and those rights.

MR. CHAIRMAN: As we've gone along, we have been hearing concern about the lack of minimum standards across Canada and the fact that such lack of minimum standards inhibits the ability of students to move freely from one province to another. The suggestion is that in order to overcome that problem, the federal government should gain powers with respect to education that they do not now have under section 93. What is your view of that?

7:10

MR. DUFRESNE: I wonder if I could pass that question to my superintendent.

DR. GRYWALSKI: Mr. Chairman, you raise a very, very valid point in terms of standards and a concern for standards. My reaction to this would be that basically I think the provinces are handling education in a very acceptable manner. To simply say that you're going to have a national office of education doesn't necessarily mean that all of a sudden you're going to get an improved standard. When you start comparing the curricula at the present time – and they do vary from province to province – I think you will find that basically there are variations, and I would hope that we would continue these variations in terms of curricula. I think provinces should have the right to do that.

While one might say that one should have common exams or common denominators in terms of examinations, I also believe that our students are performing extremely well on the Alberta scene. I would just venture to say that you cannot examine everything. To attach a percentage in terms of a standard isn't necessarily a wise thing at all, at the same time. Now, we've got to be competitive, I know, in relation to the Pacific Rim countries and in terms of, let's say, the western countries. At the same time, I think that we've got to produce citizens that have more than just simply the academic background in relation to what we anticipate for the year 2000 and beyond.

MR. CHAIRMAN: I'll just ask a supplementary. In the most recent federal throne speech the federal government made a case for greater federal government involvement in education by stating that four out of 10 Canadians are functionally illiterate. Are you familiar with those sorts of statistics?

DR. GRYWALSKI: Well, you can make statistics, Mr. Horsman, do whatever you wish. Until you have a solid comparative base, I'm not sure that you're comparing apples to apples, oranges to oranges throughout the various provinces.

Now, basically what is meant by illiteracy? At what level are you establishing this? I haven't seen that. Is it at the grade 9 level? Is it at the grade 10 level? Is it at grade 8? What is the level of illiteracy?

The other thing that you must remember is simply: how much more additional moneys and efforts are you going to have to put out in order to obtain 100 percent literacy? I'm not totally confident, regardless of the resources and the moneys that we put out, that we're going to have everybody literate to begin with.

MR. CHAIRMAN: Well, I'm illiterate in computer technology, I know that much. Well, thank you very much.

Are there any further questions that anyone would like to pose? Anything you'd like to add before you conclude?

DR. BACKHAUS: I want to add a few points to that comment about national education standards. One of the problems with the Constitution is that Canada grew by leaps and bounds in a very short period of time, and they didn't change the BNA Act. As a result of that, we have a Constitution which is designed for the Saint Lawrence River valley stretching across the continent.

At one point it made sense for local jurisdictions to have education under their control, because the local jurisdictions were all connected by river. When they added B.C. and Manitoba, they should have rethought everything, including the Senate and that sort of thing. The fact that we haven't really paid attention to the historical changes that have happened in Canada and have assumed that the constitutional document that was cobbled together in 1867 will still do the job is why we've got problems now. We haven't been sensitive to the fact of the great distances that Canada has. We are at Russian distances just about. You know, we have one of the largest countries in the world with hardly any people in it, yet we're trying to use a Constitution which was developed for a very small number of people in a very small space relative to the rest of the country now.

MR. CHAIRMAN: Well, that's what we're struggling with, I think, as this select committee, as well as the ones in other provinces and with the federal government.

Well, thank you very much, gentlemen, for your eloquent remarks. Could I just get a clarification here? In terms of percentage of students in the schools in Camrose, what percentage do you educate?

DR. BACKHAUS: About 30.

MR. DUFRESNE: No, it would be less than that. It would be more like 20 percent.

MR. CHAIRMAN: About 20 percent of the students in the city of Camrose?

MR. DUFRESNE: That's correct.

MR. CHAIRMAN: Okay. Well, thank you very much for participation.

MR. DUFRESNE: Do I leave this at the back?

MR. CHAIRMAN: Well, if you give it to the secretary, he will make sure that we all get copies.

In addition, I should tell those of you who intend to make a presentation that if you have copies of your presentation, please give them to our secretary. He will distribute them to us. In addition, we will, of course, make these available to the other panel, which is now doing exactly what we're doing, but they're doing it in Grande Prairie. So we're covering a good chunk of the province today.

Thank you very much, all of you gentlemen.

Mike Lohner.

MR. LOHNER: Good evening. I'd like to thank the members of the select special committee for allowing me to make a presentation here this evening. I am pleased that the members of the Legislative Assembly of our province have decided to consult Albertans for direction as we move into the next round of constitutional negotiations, negotiations that will prove challenging but above all fundamentally important to the unity and future of Canada as we know it. I am glad that the committee is here in Camrose to hear our views and that our MLA is playing such an active role in this process. Clearly public involvement such as this is a step in the right direction, towards successful constitutional reform.

I chose to attend this evening for several reasons. I have been a Canadian and an Albertan all my life. As a 19-year-old university student it is my hope that my generation and those that follow will continue to have the choice that I value foremost: the freedom to live in Alberta or anywhere else in a Canada that stretches from sea to sea to sea and is united. I am not a political scientist, an economist, a constitutional lawyer, or an elected official. However, I have noticed trends and directions emerging as I read or hear Canadians debate our future. Some of these concern me, particularly those being alluded to by many prominent politicians today. I felt it important to voice my concerns and echo alternatives that I believe will allow Canada to remain strongly united.

I am deeply concerned with the negativism and pessimism that is surrounding us in the constitutional reform debate today. It is great that so many people are discussing our current crisis. However, the vast majority of conversations, politicians' speeches, or media reports are focusing on what is wrong with Canada. I've heard it declared often that the first step to forging a new constitutional agreement or any agreement is for all parties to have the will to succeed. We must have a desire to keep Canada united. I believe that deep down all parties involved have that desire, as does everyone that is here tonight; that is why we came. Unfortunately this is not what comes across. All the negativeness could lead more people to question if Canada is worth saving.

We must express the many good things about Canada and show people that our country is worth saving. Canadians must keep in mind that Canada is more than a collection of Acts and conventions making up a Constitution. Canada is our people, our traditions, our freedoms, and our symbols. Canada is the vast prairie, the majestic mountains, our small-time heroes, and even our bitter cold winters. Finally, Canada is the institutions that facilitate and protect what we cherish. Canadians must remember that it is our similarities and our differences which hold Canada together, not documents which only lawyers write and courts understand. The Alberta government as well as all Albertans and members of the media must spread the good news about Canada and show that it is worth saving, because only when that attitude exists will we be able to reach a solution.

My second major concern lies with what appears to be a growing consensus that the provinces should gain greatly increased powers at the expense of the federal government. I could not disagree more. I have no problem with and encourage the evaluation and reorganization of our federal/provincial division of powers. However, our form of federalism has to a large extent, give or take a few errors, worked well for Canada. As a Canadian I value having national standards and having relatively equitable opportunities nationwide. Obviously, there are responsibilities that would function better if decentralized, as there are responsibilities which would function better if centralized.

The federal government is in a weak bargaining position in this round of Constitutional negotiations as a result of the failure of the Meech Lake accord. It bothers me to see the agenda-setting provinces in a needless power grab from vulnerable Ottawa. Many services the provinces provide currently are paid for by the federal government by means of transfer payments even in the have provinces such as Alberta and Ontario. Aside from money received in equalization payments, conditional grants, or tied aid, provinces should be forced to collect money and pay for the services they provide. Every government has to be accountable for the money that they spend. It serves for political benefit for the provinces to gain additional power and to spend money, especially if the federal government is footing the bill. The Alberta government and this committee must look carefully in the national sense towards the redistribution of power, be a national voice of reason, and not participate in a grab of control from the federal government for only political gain, because this will not create Canadian unity.

7:20

Now, how about the equalization payments between the provinces? The Alberta in a New Canada discussion paper contains a graph showing that Albertans receive the least amount of services or money back for the taxes that they pay. Always it is the well-off provinces who complain about the net outflow of tax dollars. However, Alberta has not always had the most healthy economy in Canada nor will it forever. Would it be more unifying to go away from that equalization that Canada stands for and have a Third World province emerge in Canada? Would Alberta have to close its doors to immigrants from a less well-off province? More political autonomy will reduce Canada's sense of nationhood in my opinion and increase regional disparity. Once again, this will not unify Canada.

These are my major concerns, and I'll now focus briefly on a few issues expressing my opinion.

The first is bilingualism. Bilingualism in Canada has not failed us. We are not any worse off for having tried it. The system, however, is not working as it had been envisioned. From here I believe we have two options, both equally desirable to me. First, we could reduce bilingualism requirements to only certain national programs and services. With limitations official bilingualism would be less expensive, more efficient, and more acceptable to Canadians. Secondly, we could choose complete bilingualism. This can only be accomplished by second-language immersion in all schools. This would be expensive but would show extensive and rapid results. As I said before, I have no preference to either option, and I could live with both.

The next issue is over the distinct society or special status idea that we had trouble with during the Meech Lake accord debate. I've been fortunate to have the opportunity to travel to several national conferences and courses in my youth, and I've met many people my age from every different province. What stands out most in my mind was how unique everybody was. It didn't bother me that everyone had an accent. Rather, it made me realize that maybe I had one. A third of the representatives being Francophone didn't bother me as well. Rather, it made me sorry that I was not bilingual. Returning home after these encounters made me proud to be Canadian because of our similarities and, more importantly, because of our differences and our uniqueness. Provinces are not distinct. It is the people in the communities, the cultures, as well as ethnic and linguistic groups all across Canada who are very distinct.

Thirdly, Senate reform. I believe triple E Senate reform is important to our parliamentary system. However, complete parliamentary reform must be considered. Many Canadians feel that the party system is failing them, and in the current system I have to agree. A triple E Senate composed of political parties I doubt would solve that problem. We must look at issues such as relaxed party discipline, more representative government, and possibly a form of even proportional representation to include minority interests in government, as well as Senate reform. I do not believe in government by referendum or by recall, because unity comes from a government for a national sense, not from rule of the majority.

Fourthly, aboriginal affairs. Our native people have been neglected and continue to be forgotten. It should not take a situation like Oka to hear their concerns. Self-government of some form must follow immediate negotiation and settlement of land claim disputes. I am not greatly in favour of separate nation or separate provincial status. However, I do believe that the native people should not be controlled by a single department of Indian affairs. The governments have made too many mistakes. It is time for natives to have the opportunity to make these mistakes for themselves, to learn from mistakes, and to make right decisions as any other municipal government or Canadian citizen would have the right to do.

So how do we now arrive at a constitutional agreement? The first step, in my opinion, is massive public involvement, which is in process now. I believe that the federal government, upon direction of the parliamentary committees that are in place now and consultation with the Premiers and territorial leaders, should propose a constitutional amendment as a suggestion only, fully open for revision. This is when the debate should take place.

Next, the federal government should meet with representatives of concerned groups such as labour, women's groups, aboriginal peoples, youth groups, and so on to solidify the agreement as it pertains to them. I guess this is a form of constituent assembly but with guaranteed representatives elected from certain groups as well as the general public.

Finally, the government should again meet with the Premiers and territorial government leaders with regards to division of powers and final approval using the existing amending formula. Parliament and the provinces should be given sufficient but limited time to pass this proposal. Maybe this is not feasible, but its important elements are that it should not only involve first ministers and that a referendum again would not be acceptable in the spirit of a national unity perspective.

To close, I would like to appeal to all Members of the Legislative Assembly of Alberta to throw political differences aside and quests for advancement aside as well in deciding a solution to our crisis. More importantly, the Alberta position should not originate from within the Premier's office, within cabinet, caucus, or the House, but from the findings of this committee. Above all, Alberta must maintain the will and desire to keep Canada united rather than untied and should remain flexible at the national bargaining table. Canada must remain more important than solely the wishes of Alberta.

Thank you.

MR. CHAIRMAN: Thank you, Michael. Questions or comments?

Yes, Bob Hawkesworth.

MR. HAWKESWORTH: I would like to first of all thank you for your thorough and particularly well-presented presentation. I just think you might have clarified, or maybe I could have you clarify, this distinct status or special status. You said that provinces were not distinct; people were. Is there some way that the Constitution could recognize that, especially in terms of the situation in Quebec? How do you see recognizing it in the Constitution without sort of naming Quebec as a province and using the provincial label for that definition?

MR. LOHNER: Well, Mr. Hawkesworth, unfortunately, I don't have an answer for that one. I don't mean by that that we should recognize, as was once proposed in the Meech Lake debate, that everybody is a distinct society. I don't mean that, but I'm cautioning against the singling out of provinces because it isn't provinces, as I said, that make Canadians unique. It's their areas, their regions, and their different ethnic backgrounds. I don't have a simple answer for that.

MR. HAWKESWORTH: By the way, you were speaking from a prepared text. Is there any way we could get a copy of that?

MR. LOHNER: I have an additional copy, if you'd like to have it.

MR. HAWKESWORTH: I'd really appreciate it. I really appreciate the thought you've put into this.

The second question I'd like to ask you about: the use of a referendum would not be useful for national unity. We've heard quite a number – some Albertans anyway – at these hearings urge us to submit whatever is developed to the people of Canada in a national vote one way or another and use that as a way of legitimizing the constitutional amendment. Could you maybe expand a bit on that? Why would it not be useful for national unity, and why use the existing amending formula?

MR. LOHNER: Okay. Well, the province of Alberta is not a very populated province. It's not the most populated province in Canada. We are not a majority by any standpoint. The balance of the population of Canada lies in central Canada, in Ontario and Quebec. I could see an important province like Newfoundland, Prince Edward Island, Alberta or any of the smaller population provinces being ignored in a national referendum. This would create more tension I think. The existing amending formula allows you to keep the concerns of the majority with 50 percent of the population required but allows you to not have Quebec or Ontario both left out. It also doesn't give a veto to any particular province which is not equal; it's more than equal to each province. It gives a province a stranglehold on constitutional negotiations.

7:30

MR. CHAIRMAN: Thank you.
Pam, did you have a question?

MS BARRETT: Yeah; actually, following on Bob's. By the way, Mike, I'm not sure that people in the back can hear you. You might want to get a little closer to your microphone again.

The negotiations with Quebec can involve very specific questions such as distinct society, which is something that Bob raised a little while ago, and you said, "Well, you know, we're all distinct," and I think you make a good case. But let me ask you the tougher question. You just concluded by saying we need to stay flexible at the bargaining table, right? If you're at the negotiating table and someone says to you, "Quebec sees itself as a distinctive, collective society" – now, I've put "collective" in because that is part of the concept that the French will use – are you going to say no to that at all costs?

MR. LOHNER: No, absolutely not. I believe that you have to say . . . Once again, I did conclude with the fact that we have to be flexible. If it means that we have to acknowledge a distinct society for Quebec alone, then that's what we have to do.

MR. CHAIRMAN: Michael, you've done a good job, and we'll circulate your presentation to others. Just one question. You say you do not want to see any of the federal government's responsibilities transferred to the provinces. Do you see any cause for any provincial responsibilities to be transferred to the federal government?

MR. LOHNER: Well, just to correct you, I didn't say that none should be transferred to the provinces. I'm not going to get into them, but I believe there are some . . . They have to be looked at again. There are some provincial powers that I feel would be better held under federal responsibilities, and there are lots of federal responsibilities that would probably be better divided and better handled under provincial or even municipal responsibilities.

MR. CHAIRMAN: But you think those things should all be up for discussion?

MR. LOHNER: I think they should be, but I don't think we should be looking at something like the Allaire report, where it looks like the federal government is going to have no control whatsoever. They should be up for discussion but within reason, keeping in the national context all the time.

MR. CHAIRMAN: Thank you very much, Michael.
Ron Williams.

MR. WILLIAMS: I wish to thank this committee for the opportunity to appear and present my ideas. This is democracy in action when an ordinary person can present ideas and be listened to, so I thank you for the opportunity.

The Constitution of a nation is of course of extreme importance and must be taken very seriously. Since it is the basis of a nation's way of life as well as of its government, it must be permanent. As Canada again looks at its Constitution, we must be very clear that whatever we enact at this time is going to be permanent. If Canada is to reach its potential, it must be stable, and it cannot be a stable, democratic nation if we are continuously in a state of constitutional crisis with one section of the country threatening that if it doesn't get its own way in constitutional matters, it will leave the federation. We must stop questioning the basic premises of our nation and accept and work within those premises. That doesn't mean we should be a nation frozen in time, but it does mean we should stop projecting to the world an impression of instability caused by our constant questioning. There is something wrong if after 124 years of nationhood we have not yet come to an understanding on a permanent foundation upon which our Constitution can be built. We must do so, and then we must allow the system to work and stop questioning the very existence of our nation.

We have a system that works and has worked. Our system has established a nation across half a continent. It has led us through two world wars, the economic collapse of the Great Depression, and established a fine record in foreign affairs. So it does work. It would be uncalled for to scrap that system for some untried, theoretical one. Political science abounds with theoretical models of ideal systems, but political systems must evolve to fit the nations they serve. Few if any of the constitutional systems which work well in the world today would be recreated in their present form if logical theories were used as the only guide. But they do work, whereas many very fine constitutions based on the finest of theories have failed because they did not fit the system of the nation that they were to serve. We can modify our system, but we must not discard it for something that is untried.

When we judge by media reports, poll results, presentations to the Spicer commission, and similar sources, we get an impression that the Canadian people have a great deal of distrust for their political leaders. I'm sure the members of this committee are exempt. The answer to that is to replace the leaders, not the system. Devices like referendums, voter-initiated legislation, recall of political figures, and constituent assemblies all sound good. But is the United States, which has, at least at the state level, those things, better governed than is Canada? I suppose that's debatable, but I certainly don't feel that the United States is such a great example of good government that we should rush to copy its system. Our historical experience has created our system, and to destroy it in a search for utopia would be a disaster.

A nation needs symbols for unity and identity. We need various things, both concrete and abstract, to make us feel part of our nation. We must have a sense of identity, but that can't be forced by giving us theoretical ideas by the intelligentsia. The one institution that does separate Canada from the United States and the rest of North America is the monarchy. The monarchy is a very powerful symbol of unity for this or any other nation because it raises loyalty beyond politics. The monarch is visible; the abstract notion of nation isn't. It is unfortunate that the institution of the monarchy has been the victim of an insidious campaign by political leaders who have tried to buy the votes of Quebec nationalists by undermining and downgrading that institution.

Ideas become accepted if repeated enough, and politicians, media people, and misguided nationalists have repeated clichés which are accepted as fact when clearly they are not. One example of this is the statement to the people of Quebec that the monarchy represents British oppression. It should represent the fair and generous way in which a conquered people were treated and thus be the symbol of our nation and of our ideals. In any new Canada the monarchy must not only be maintained but strengthened. It must not be the victim of underhanded attacks such as the recent action in Ontario of taking all reference to Her Majesty out of the oaths of policemen while pretending that no change was made. The actions of the Trudeau government in downgrading the role of the monarch as head of state in diplomatic relations should be reversed. The Queen is and must remain our head of state.

To gain full benefit from the monarchical system, the Queen and her representative, the Governor General, must be removed from politics. It is almost a disgrace that the highest office in the land is held by a worn-out, defeated politician. The Governor General, as Her Majesty's representative, should be chosen by Her Majesty without advice from the Prime Minister. If the Queen wished, she could be given a list of names. Also, this would mean that members of the royal family could be appointed, thus ensuring a complete removal of the office from party politics. This, of course, was the case earlier in our history, until the retirement of the Earl of Athlone, Queen Mary's brother, in 1946.

A strengthened nation means a Canadian identity, not a hyphenated one. There's no desire to interfere with a person's respect for their ethnic background, but a citizen's primary identity must be with Canada. There's no place for government funding to encourage diversity. If any group wishes to preserve its language or other aspects of its culture, that is an individual choice, not one to be paid for by all of the taxpayers. Canadian government, history, and ideals should be well and clearly taught in our schools and to all aspirants for citizenship. A new Canada must be a nation with a strong sense of identity. When that is established, we can proceed to discuss specifics of our Constitution. I would like to mention three: division of powers, federal institution, and language rights, but I'll probably run out of time. I could go on for hours.

7:40

The key to a federal nation is the division of powers between federal and provincial governments. This division must be clear to avoid as far as possible expensive duplication of administration and long legal battles to fix the limits of each jurisdiction. The federal government should have control of only those areas where a national standard is required for a nation. This would mean an increase of federal power in some areas and less in others. Each area of government should be examined to determine if a national standard is needed. Example: is it necessary that all judges of superior courts be patronage appointments of the central government? People feel helpless to influence decisions at the federal level, so we should be careful not to give the federal government control of items which could be locally dealt with.

The federal government must have sufficient taxing authority to raise transfer payments to provinces with less resources so that public services can meet minimum standards, but these standards should not be a backdoor means of extending federal control into areas of provincial jurisdictions. We must not be afraid of differences in health or education. There's no indication that federal politicians or bureaucrats are more concerned about health or education standards than our provincial ones. However, the federal government must have control of those environmental matters which affect more than one province, such as rivers flowing into more than one province – not Buffalo Lake – and sufficient authority to see that there's a free flow of trade between provinces. It would certainly be the height of irony if we arrive at a situation where it is freer to trade with a foreign nation than with another province.

I'll leave the other two since I seem to be getting near the end of my time. I thank you very much for your attention and this opportunity. Thank you.

MR. CHAIRMAN: Thank you very much, Mr. Williams. You've given a great deal of thought to your presentation.

Yolande Gagnon.

MRS. GAGNON: Thank you. Earlier on you mentioned that a Constitution must be based on basic premises. I would like you to tell us what those are. Secondly, you mentioned that there was too much instability and we seem to be in continuous crisis. At the same time, though, you did say that the Constitution was a dynamic thing that evolves over time. Could you rationalize those two thoughts, please?

MR. WILLIAMS: Well, as I said, we can certainly adjust the system, but right now we are questioning whether the country should continue to exist, and we have been for the last many years. Meech Lake was supposed to make Quebec feel part of the Constitution, but in '80 or '82 when the Constitution was patriated we were again at a state of crisis with, you know, one province refusing to join, and we were having delegations go to the British Parliament asking that they interfere in a Canadian situation. So I feel we could avoid that kind of questioning, as I say, the basic existence of the nation while we could still very well argue about whether education should be a provincial matter or a federal matter, because I don't think that is going to upset the existence of the country if it's transferred to the other level of government. But whether one province decides to leave the federation certainly is an upsetting of the whole structure.

MRS. GAGNON: What about the basic premises that this country lives by? How would you describe those basic premises?

MR. WILLIAMS: I would like a country in which there's equality amongst all people, special privileges for none, a country that is equal, where the people are equal in every respect, a country based on the democratic principles, which of course takes in virtually everything, doesn't it? That ensures individual rights and so on.

MRS. GAGNON: Thank you.

MR. CHAIRMAN: Thank you very much, Mr. Williams. Any other questions or comments?

Pam Barrett.

MS BARRETT: Thank you. You said the dissatisfaction with the system indicates – the political system we're talking about now; this is not constitutional, I suppose – a need to change the leaders not the system, and the latter applied, I suppose, to referenda and initiatives. We keep hearing that people want a more direct role in decision-making aside from referenda and initiatives, the American solution to this, which as you say has not worked very well. Can you think of any other ways that would involve people more in the decision-making process?

MR. WILLIAMS: I think a process like this committee is a very good one. I think there just has to be an openness and there has to be trust, but for some reason – I suppose many reasons – it seems that that element of trust just isn't there right now. But I think it can be built again by political leaders appearing to listen and dealing with people's concerns. It has to get across to people, of course, that listening does not mean doing whatever is requested. This must be gotten across, again just by openness and sincerity amongst the political leaders.

MR. CHAIRMAN: Thank you very much, Mr. Williams. Well, you know, you're quite right on the last point, because we have been listening now for four days and we've heard everything from the notion, on one hand, that the west should separate and become an independent country to one, on the other hand, which says that all powers should be transferred to the federal government and that the provinces should be rendered null and void, in effect. So those really do represent the outer edges, I think, of our experience. Clearly we cannot do both. What we are trying to do, obviously, is find the broad middle ground. I think that is a challenge for all of us, and I want to thank you for your thoughtful presentation.

Just one other comment. You mentioned something we've heard mentioned several times, I think it's fair to say, and that is that we don't teach our history satisfactorily or sufficiently in our schools, and I think perhaps some of your concerns about the understanding of the nature of Canada may flow from that very fact.

MR. WILLIAMS: Yes, and I think in that regard I speak from experience. I have just retired after spending 34 years as a school administrator, and this lack of Canadian studies, lack of Canadian history, government, political science in our school curriculum has appalled me for many, many years.

MR. CHAIRMAN: Thank you very much, Mr. Williams.

MR. WILLIAMS: Thank you.

MR. CHAIRMAN: Congratulations on your retirement. You're obviously not going to quit thinking.

MRS. GAGNON: Go and work as a consultant at Alberta Ed.

MR. CHAIRMAN: Wade Cummings, please.

MR. CUMMINGS: I'd like to thank this committee for the opportunity to express my views on constitutional reform. The economic ramifications of Quebec separating, or for that matter any province separating, are severe. We as a society would end up going backward. I would like to read two quotes from two of Canada's leading bankers. The first quote:

> Disunity is not a cost free option. A united Canada in the year 2,000 would be nearly 30 million people strong, with 15 million working Canadians, an average income of $25,000, and a national output closing in on $1 trillion dollars. In a divided Canada, all those numbers would shrink significantly.

That quote was from Allan Taylor, chairman and CEO of the Royal Bank of Canada.

The second quote:

> Each region of a divided Canada would assume its own huge debt burden. All levels of government in Canada already pay a substantial interest rate premium. This drives up the cost of capital for domestic businesses which, in turn, hinders job formation and impairs competitiveness. In a fractured Canada, the situation would be worse. All regions would obviously have narrower economic bases. This would leave them subject to wider swings in the economic cycle and entail, as a matter of course, still higher risk premiums.
>
> I cannot envision any re-distribution of our public debt that would not significantly diminish Canada's attractiveness to the investors, both domestic and foreign, who are financing that debt.
>
> And there would be additional handicaps. Conspicuous among them, in all probability, would be further restrictions on the free movement of labor, capital and goods. Furthermore, in a dismantled Canada, no order of government would have room to increase taxation to any degree.
>
> When you combine the available facts with common sense, the picture you get of a divided Canada is one of higher interest rates, narrow economic bases, mounting government deficits.

That was a quote from Matthew Barrett, the chairman and chief executive officer of the Bank of Montreal. Economically we need each province, as each province is essential to the economic makeup of Canada.

7:50

I am first and foremost a Canadian. For the longest time I've struggled with exactly what is a Canadian: how do you define what a Canadian is? I was experiencing the identity crisis that so many Canadians do, and then I realized that being a Canadian is just that. We are a country comprised of several separate identities, yet each identity is essential to the whole makeup of Canada. We have something very special going here. Canada would not be Canada if we lost any of those identities. I feel we have an example to set to the rest of the world. Canada is a place where people broach their cultural differences in order to live in perhaps one of the freest and most affluent nations in the world.

Our tolerance for our differences is what makes us unique. I feel that in that tolerance lies the solution to our dilemma. Tolerance comes about by understanding and learning about ourselves. It comes from accepting our cultural differences and not judging each other. I have a responsibility to learn about other cultures in Canada; everyone does. I feel we as individuals must take the time and effort to learn about each other: very simply said, but no easy feat. Our ability to survive as a nation will only be as strong as our ability to broach our cultural barriers.

Another key is our ability to compromise. I feel compromise is a word that we have to learn the meaning of over again. I would like to see the federal government's role remain strong, with the ability to provide economic, legal, and social direction to the country as a whole. The provincial role should be as a spearheader of regional and cultural concerns. There should be more dialogue between the federal government and provincial government. We should ensure that we aren't overlapping any responsibilities. The federal government should be acting as a facilitator or a mediator between the provinces. We have to begin to learn that each part of this country contributes to the whole picture. Let's approach this challenge of constitutional reform with clear minds and an optimistic point of view. Let's take what time is necessary to deliberate and understand the issues and be very careful about deadlines. We are pondering our future. Let's not waste the last 124 years of history because of a deadline.

Thank you.

MR. CHAIRMAN: Thank you very much, Wade. Well, you have given us your definition of a Canadian, and I think that you can very well be proud of that definition.

Yes, Fred Bradley.

MR. BRADLEY: Thank you very much for your very thoughtful presentation. You mentioned that our tolerance for differences makes us unique. Do you think that the multiculturalism policy, in the sense where its been directed and funded by governments, has enhanced this tolerance for our differences? Do you see this as a positive function of government? We've heard from others who feel that our official multiculturalism policy should be disbanded and that we should recognize as individuals what our culture is rather than having it as an instrument of national or provincial policy.

MR. CUMMINGS: Well, in response to your question, Mr. Bradley, I believe that multiculturalism is something which is the responsibility of all of us, the government as well as the individual. If we're going to learn about other people and about other cultures, we have to take that initiative ourselves. We have to take that initiative in our school system; we have to take that initiative in the workplace. It's the responsibility of all of us. I can't hope to sit back and learn about another culture if I don't actively participate in terms of that learning, of going out and actually learning about it. Does that answer your question?

MR. BRADLEY: Yes, I think it does.

MR. CHAIRMAN: Okay. Other questions, comments?

Well, I have one. Just since you're a young man and obviously a product of Alberta's educational system and you heard our last presenter, what is your view about the level of education that we devote to the history and understanding of Canada within our school system? Was it satisfactory, or should there have been more or less?

MR. CUMMINGS: In my opinion, Mr. Horsman, I think we could probably stand to learn a lot more about Canada and Canadian history. I look back on my schooling and I feel that I perhaps learned more about the isms than about Canada itself, about what we stand for as a country in terms of what democratic process in Canada is about, about how our markets work in terms of being a capitalistic society, a lot about what Canada is about. I really think we could spend a lot more time learning about Canada and about the different industries, about the different cultures that we have here in Canada. I definitely feel we could spend a lot more time learning about Canada versus the types of things that I did learn when I was in school.

MR. CHAIRMAN: And geography. I'm sorry; we have a few more minutes since you didn't utilize all your time. I have three daughters who all went through school in Alberta right from grades 1 to 12 and then to university and so on. At one particular point in our holiday period we had a little map of the world. It was something to keep kids occupied. They were to fill in the capitals of the world, and not one of my daughters could locate London, England, on the map, and they had a heck of a time with some Canadian cities as well. After that they learned it, not in school but at home. You know, this is a big country, and I've had the advantage, and I know many of my colleagues have as well, of traveling to different parts of the country. Every time we do that the vastness of this country and the diversity really is brought home.

I thank you very much for your thoughtful remarks.

Yes, Bob Hawkesworth.

MR. HAWKESWORTH: Could I maybe just follow up on that? This question of the divisions of powers is an important one because the Allaire report in Quebec has suggested that the federal government get out of those areas of jurisdiction that are just identified for the provincial level of government as well as areas where the federal and the provincial governments share jurisdictions, which of course would change dramatically the current division of powers. So when you suggested that there be no overlapping responsibilities and at the same time talked about a strong federal government role, I wonder if you could maybe give us a little more of your thoughts on how we balance those competing viewpoints. If we eliminated overlap and just went to the way the Constitution currently divides responsibilities, the federal government would have to get out of education, health care, housing, and a number of other areas as well. Yet how would we maintain the strong federal government role without some overlapping responsibilities? Could you maybe just give us a few more of your thoughts on that?

MR. CUMMINGS: Okay. That's a good question, Mr. Hawkesworth, and it's something that I have been thinking about. I believe we have to be able to rationalize the federal government and the provincial government so that you don't have redundant services being given to the populace; in other words, we already have a staggering deficit of, I believe, in excess of $680 billion, and I don't believe we can afford to have duplication of services. Rationalizing the sector of government that is going to provide the service most effectively to the population or the region of the country that requires that service, I think, is one of the ways to go. I also believe in terms of keeping a strong federal government in that any issue which affects our ability to function as a country – it's very important to keep those types of powers within the federal government.

I think in terms of the global economy, we have to look beyond what's happening here in Alberta; we have to look beyond what's happening here in Canada. We are a part of the world, and we have to make sure that we can compete with the other international economies. That's very important, that we make sure we don't end up shooting ourselves in the foot by competing province against province when we should be competing on an international market. Okay?

8:00

MR. CHAIRMAN: Thank you very much, Wade. I appreciate very much what you have given us as your view tonight. Thank you.

MR. CUMMINGS: Thank you.

MR. CHAIRMAN: Michael Haykowsky.

MR. HAYKOWSKY: I hope I can be as informal as I can.

MR. CHAIRMAN: Oh, by all means.

MR. HAYKOWSKY: Some of the issues I would like to present are somewhat sensitive. First, when we start our Constitution, one of the first questions we have to ask ourselves is our Canadian identity: who is a Canadian, and how are we going to be recognized as Canadians? The reference, of course, is through common cultures that are equivalent to ours. What I've done here is categorize the kind of people we are in the international world. We're from the western culture or the European culture, and the traits we have are also found in their cultures. We're quite a bit different from the Asiatics, the Africans, and the Muslims or the Arabic world. Then, of course, our division starts again into the western culture of Europe: France, Germany, Spain, Great Britain, and so on. Out of that again we divide ourselves into French and English, and that's where our sensitivity lies. That's where our constitutional questions are. That's what you call the ethnicity factor, and I find that extremely touchy.

MR. CHAIRMAN: I'm sorry, would you give me that term again.

MR. HAYKOWSKY: Ethnicity factor; it's a nationality. We're sensitive about French. We're sensitive about English. We're sensitive about different cultures, and that gets to be quite a serious problem. I've heard comments about the budgets and deficits and so on, but if you can't identify yourself as a Canadian and you want to be a Quebecois, really you don't care what the deficit is in Canada; you're only concerned with the Quebecois deficit, if that's what you're seeing. If you're seeing yourself as an Albertan or a western Canadian, you don't care what happens in Quebec or Toronto or Ontario. You're narrowed down to that region, and that's the division you carry.

Now, I go back to European history. When we speak of ethnicity or nationalism or identification with culture, we can look at European history, and it's as full of examples of the struggles we have with nationalities. More recently and at the present time we're seeing the problems in U.S.S.R., Yugoslavia, Spain with Basque, France with Brittany, some concern of Scotland as part of Great Britain, Belgium with the Walloons and the Flemish, the Turks and the Greeks. This is sort of a common European problem, and we're no different. Although we have our own stripes and our own peculiarities, it is a problem.

Now in a Canadian perspective. French Canadians, particularly the Quebecois, feel they were conquered. They lost a battle in 1759 when they lost Quebec. In 1760 they lost Montreal. They feel that they are conquered, and they say so, their historians claim. Maybe that's the beginning of our history. If that conflict goes on and if that satisfaction isn't obtained by the Quebecois, then that's the beginning of our history, not 1867.

Papineau's another example. Papineau wanted Lower Canada to obtain political rights and freedom as a democracy, but they weren't given that privilege. They lost that privilege. That's a resentment. That's a pain. It hurts them. The death of Louis Riel allowed Henri Bourassa's national government. That's the first Parti Québécois, so to speak, way back in 1885. The Parti Québécois isn't anything new. We've had that linguistic or cultural problem way back, in fact immediately after the start of Canada.

Another example is the two conscription crises. Prime Minister Borden had to make up a cabinet and a government from the English, so to speak, section of Canada. The opposition was a Quebec section. The big issue was that French-Canadian soldiers didn't want to fight for the British; that wasn't their country. The Queen wasn't their queen. The same thing was repeated in 1940 to 1945. We, too, had a conscription crisis at that time, and it was a major issue. Again, the Parti Québécois got elected. Maybe there are several reasons other than separatism, but the fact is that that constantly remains there.

Then, of course, the defeat of Meech, and we now know the reaction. The reaction was very strong. Another overview, of course, is how do we react politically, how do we vote, and that is on a basis of ethnicity. The French votes and the English-speaking votes. They tell us a lot. There seems to be a trend. Now, it's not generally true, but the English-speaking Canadians vote for parties that will present some sort of ideology. They either vote Conservative, Liberal, some will vote for NDP, and so on. Quebecois, generally speaking, do not vote for a party with a policy but for a party that gains them a balance of power or fights for their rights best of all. It is as if Canada were a nation serving another nation, a subnation called Quebec.

Now, please appreciate that these are my views and these are my analysis. I haven't been analyzing or making any reference to history books or other books of context, except the historical quotes I've made, but the reality is: one questions – and to make it brief – is it possible that the Reform Party and Mr. Manning might be the next Prime Minister if ethnicity becomes an issue, if we really go bringing that ethnic problem, English and French, while the Bloc Québécois get elected and represent the province of Quebec? Will it be possibly the end of what we call our basic parties, the Liberals, Conservatives, or the NDP? I mean, that's a question of history, a future trend. We don't know this, but the thing is, what concerns me most is that ethnicity, a wrong kind of attitude towards cultures, is very dangerous. It's painful, it could hurt a lot of people, it'll increase discrimination, and it isn't going to do us any bit of good. It could create violence and so on.

My view of Canada, if it were to be looked upon as a garden, it's a garden of various kinds of beautiful flowers. Their beauty really lies not so much in the individual flowers as the way they are arranged. That's what makes us Canadians. If we capture that, if we work on that, that's when we will be recognized as a great nation, and that's where our strength lies.

The other aspect is that I have heard very many comments being said that, "Well, if Quebec separates, Canada will fall apart." That's an indicator that the person hasn't got confidence in Canada no matter what happens to it. I think that's just a lack of confidence in leadership. If Alberta separates from the rest of the country – I'm not saying it should – but if it does and if it requires the leadership to do it, that's what has to happen if we separated into 10 different nations. I know it sounds negative and it's a bad thing, but it is the inspiration of leadership that's got to bring us together no matter what happens to the country, because strength lies in sound, solid leadership.

That's all the comments I have to make.

MR. CHAIRMAN: Well, thank you very much. You mentioned something that nobody has touched on that I can recall in the last four days of hearings, and that was the conscription crisis. Now, I was a youngster during those days, but my father was overseas, and my mother was also in the armed services. Of course, it was something that was mentioned quite often in our household after the war as I grew up. I've read a great deal about it relative to the attitude of the people of Quebec to that conscription crisis. The view was that it really did sour the relationship between Quebec and the rest of Canada, particularly because a referendum was used in which the English voted overwhelmingly, I gather, in favour of conscription, and Quebec voted against it. Do you recall that being an issue?

8:10

MR. HAYKOWSKY: No. It's a history thing for me.

MR. CHAIRMAN: It's a history thing for you, but I've certainly heard from people that it did create lingering animosity towards English Canada on the part of the people of Quebec, because the referendum was imposed upon one province. So that's one of the things that's made some people very nervous about national referenda which might be used to impose on one part of Canada the rule of the majority in the other. Would that give you concern if a referendum were to be used that way?

MR. HAYKOWSKY: I wouldn't approve of it, certainly not, because I hold the view that we do have two nations in one. The Quebeckers have their own aspirations. They have their own desire to be their own masters of their own vote so to speak. This is the reason for Meech Lake being such as it is and their disenchantment with Meech Lake, and a referendum like that would be really an encroachment upon their own personal rights. They wouldn't accept it.

MR. CHAIRMAN: Okay. Any other questions or comments for this gentleman?

Thank you very much, Michael. I think if we could just now, it would be an appropriate time to take a coffee break or time to stretch one's legs in any event. So I'm going to just take a brief adjournment.

[The committee adjourned from 8:12 p.m. to 8:20 p.m.]

MR. CHAIRMAN: Thank you very much.

Doug Johnson is the next presenter, and I'd like to invite him to come forward and make his presentation from the table at the front.

MR. JOHNSON: This is kind of a lonely spot.

MR. CHAIRMAN: Well, don't feel lonely.

MR. JOHNSON: Actually, I never have, unfortunately.

MR. CHAIRMAN: Or bashful. I don't think you've ever felt bashful, have you?

MR. JOHNSON: No, probably not.

MR. CHAIRMAN: All right. The order, Doug, and those of you who haven't been here for the opening comments, is that there is 15 minutes. There's a bell that will ring at the end of 10 minutes and then another bell at the end of the last five minutes. So if you could keep that in mind, we'd like to hear from you.

MR. JOHNSON: I did at one time box in a Golden Gloves type of thing, and I do know what the bell means, so I'll start.

Hon. chairman, members of the special committee, ladies and gentlemen, I thank you and the Alberta government for this opportunity to appear before you and discuss this very important issue. I will start by saying that we must recognize some facts, one being that to deny history would be absurd – if we do not know where we came from, it is impossible to chart a course to where we want to go – and also the fact that the future is highly unpredictable. We make educated guesses, but to predict the future with any degree of certainty would make one very rich or at least in great demand by circuses, carnivals, and governments.

We must consider the human factor along with time and distance when we discuss our nation and our constitutional reforms. Whether you believe in creation as put forward by various religions or believe in the theory of evolution, the scientific fact that all humans on earth can be traced back to a common ancestry is well documented. We do not think and act the same. If we did, it would be rather a dull world we live in. In a country that is as immense and diverse as the Canada we live in, it's difficult to arrive at any common policy. Our system of democratic government probably started when small family units of prehistoric people banded together for protection and gathering of food. At this time, it was probably the strongest, wisest, and the best provider that we chose, either by force or by admiration, to lead the clan. Actually, all that has changed is that now we use an X instead of a club.

Our democracy traces its roots to a document called the Magna Carta, presented to an English king in 1266, and also to a violent upheaval and riots that occurred in France that resulted in a republican government being formed. From these two events the democratic society we now enjoy evolved.

Our present country of Canada was created in 1867, and at that time our population was primarily made up of three cultures and races: the English race, the French race, and our native Canadian aboriginal peoples, who probably wish they would have had a different immigration policy in place at the time. Bullets were more effective in discussion over the territory than were arrows, and the outcome of these constitutional arrangements seldom ended up in the native aboriginals' favour.

The system of federalism that was chosen in 1867 recognized the principles that apply today. The territories that were to become provinces were in some cases very large and vast while others were smaller and, in the case of P.E.I. and Newfoundland, were islands. But each of these provinces had one thing in common: they were unique and different, with each one having different cultures, economies, and, let's not forget, climates. Of this there is no doubt. For this reason our system recognized this fact, and various powers of government were delegated to a central federal government and others to a provincial government.

One problem with this arrangement was that the native aboriginal people were mostly excluded from the process and are trying today to search for their place in Confederation. Some have chosen to enter the so-called mainstream and have been elected to various governments at every level, while others have chosen to withdraw to try and determine their place in Canada in their past history.

We are, because of government policies, today at a turning point in the direction of our federation. I will deal with a time frame that coincides specifically with my lifetime. As a native Albertan of 48 summers I have been governed by eight Prime Ministers and their administrations. Of these, two were considered to be western Canadian and governed for one-eighth of the time. Three Prime Ministers were considered to be central Canadian and governed for two-eighths of this time period. Another three were French Canadian and governed for five-eighths of this time. I point this out because of the fact that the province that is predominantly French Canadian, Quebec, is the most dissatisfied with the current arrangement and its people are the most demanding of change.

Quite simply, the federation that was established in 1867 has very little resemblance to the one that we have today. Our federal government was never meant to have the highly centralized powers it now has, although some provinces that have more or less sold their souls to Ottawa are locked into a system where their very economic survival is at stake. So the question is: how do we change the arrangement or Constitution to fit the problem? One fact of life is that the latest attempt, the failed Meech Lake accord, is now not enough to satisfy Quebec and, at the time, was deemed too much by other Canadians. I feel we must go back to a power-sharing agreement, an arrangement more in line with regional differences.

The following criteria should be used. First, the aboriginal people of Canada must be involved and have a say in their own destiny. The policy of confining aboriginal natives to certain areas and making yearly payments to their bands has not been successful. They must be integrated into the 21st century and not be prisoners of another time.

In overhauling our Constitution, we also must institute some new checks and balances. To start with, this misnomer of upper and lower Houses of Parliament must be dropped and replaced with more applicable names. The House of Commons must remain as the supreme law-making body and should be called the Canadian Parliament. The upper House should be called the Canadian Senate. It has to be elected, equal, and a sober second thought or conscience of the Canadian Parliament. It would remind the Parliament of regional differences and would point out any injustices that would occur.

Our Prime Minister and his sidekick, or deputy, would be elected by all Canadians. MPs would still be elected on a constitutional basis considering population. Similarly, provincial Premiers and the Deputy Premier would also be elected by all voters in a province. MLAs must continue to be elected on a riding basis.

We would continue to have a constitutional figurehead federally and provincially as we do now in our Governor General and the Lieutenant Governors. These appointments would have the duties they do now. Any ties to any foreign countries would be only as a member of a coalition or a commonwealth and would be only recognized as having heads of state as such.

Senators would be elected on a provincial basis by all electors of a province. Elections would be held every four years, with the federal and provincial governments' being at different intervals. Examples would be: 1990 would be a federal election year, and 1992 would be a provincial and Senate election year. Cabinets would continue to be appointed from the elected people with a system of deputy ministers in place as we do now, but their appointments would be only for the four-year period. The judiciary would remain a separate and appointed body and would only interpret the laws of the land and not make them. Finally, no government at any level would be allowed to be in a deficit financial position.

I thank you very much.

MR. CHAIRMAN: Thank you. Well, you leave us no doubt as to where you stand, and I know there'll be some questions.

One of the things I think I'd just like to pursue a little bit with you is this. If you're taking a look at the history of Canada, and you refer to the aboriginal peoples and them having been left out of the process, we've heard time and time again that land claims must be settled and that the native peoples must be dealt with fairly. Under the current division of responsibilities, which was the British North America Act originally and now the Canadian Constitution, under section 91(24) Indians and Indian lands were given to be the sole responsibility of the federal government, and the provinces were to have no say at all in the process. For many years the aboriginal peoples, the Indians in particular, said that the provinces must not get involved in any of the discussions. That's changing somewhat, but would you agree with me when I say that the aboriginal peoples and the provinces and the federal government have to work together to resolve that issue?

8:30

MR. JOHNSON: Yes, I would, but with this qualification: the only province that has done so is Alberta. You can go to any other province and talk to any member of any aboriginal race or band, and it is Alberta that is one of the few that has sat down and actually made settlements with them so that they have a constitutional place to be involved in. We take our recent Metis settlement that was done. The Lubicon band is a good example. There's no problem with the Alberta government there; it's federally that it's happened.

MR. CHAIRMAN: Jack Ady, Gary Severtson.

MR. ADY: Thank you, Mr. Chairman. Thank you, Doug. You spoke of the aboriginal involvement in any new constitutional arrangement and then went on to say that you felt that they should be integrated. When you say "integrated," are you talking about integrated into the mainstream of Canadianism as we know it? Or would they still have their lands and reservations and special concessions that might be made to them? What did you mean by integrated?

MR. JOHNSON: Well, I'll put it this way. I have quite a few native friends. The ones that seem to be well adjusted and are involved with their communities, whether on a reserve or not on a reserve, are the ones that have stepped out of the reserve system. Now, they still might be tied to it through blood or through concession or through monetary involvement, but we, I feel, have locked them into a certain area that they have no escape from. It hasn't proven successful, the arrangement we have with them. It has proven very detrimental to their culture, to their livelihood, any way you want to call it. I feel it'd be far better if – and it's a big "if" – they could be put into the mainstream of society.

MR. ADY: Thank you. The other question I had pertains to your view of the Senate. You suggested that it should be elected and equal and then went on to say that it would be the House of sober second thought, but you didn't really go on to say to how effective it might be in relation to the House of Commons. Did you fall short of calling for a triple E Senate?

MR. JOHNSON: Not really. I think the triple E Senate is one that's elected, equal, and how effective they can be is going to be determined by how they operate. Being elected to start with would help immensely. Being equal would make sure that certain things that have happened under our Constitution could never happen again. Or they could happen, but at least there'd be a helluva lot bigger fight than there was at the time. The effective part: they would only be effective as far as pointing out to the Parliament of Canada, which would be supreme, that there are injustices being done to the regions. In this way there may be some time frame we'd have to impose, so that they would have a certain number of days, hours, months to make these points known. I would think that if we looked back to what happened with the national energy program, if there had been an elected and equal Senate, the effectiveness would have been felt. I feel it would have been. It wouldn't have been just railroaded through.

MR. ADY: Okay.

MR. CHAIRMAN: Okay, Gary . . . Sorry, Jack.

MR. ADY: No. I'm finished.

MR. CHAIRMAN: Gary Severtson and then Yolande Gagnon.

MR. SEVERTSON: Thank you, Mr. Chairman.

Doug, you mentioned that you felt that the Prime Minister, the Premier, and the Deputy Premier or Deputy Prime Minister should be elected by the people at large. Now, how would that work in our present system? The way we do it now, the Prime Minister or the Premier picks his own cabinet. There could be a situation such that the Premier could be the leader with the lowest number of seats.

MR. JOHNSON: Right.

MR. SEVERTSON: How would that person pick a cabinet to be the Executive Council if he represents a minority?

MR. JOHNSON: We're going to change this stuff. We're not going to sit here and look at what has been or can't be done. We've got to borrow a little bit. The Yankees maybe did have a little bit of foresight in this area. When you have an election, you have it for a number of years. Like, the government can't be defeated, eh? They can lose a Bill and the government is still going to be there. In our system we have now, the government can be defeated and we're right back into an election, which may or may not prove anything. This system would be there. You would have the people of all of Canada choosing the Prime Minister and his deputy or vice-Premier or president.

MR. SEVERTSON: But, Doug, in the States the President picks his executive, and they're not elected people.

MR. JOHNSON: I know. This is the difference I propose, that they would be elected people. He would have to pick from the elected people.

MR. SEVERTSON: So he could be picking from the opposition quite easily then?

MR. JOHNSON: Oh, easily.

MR. SEVERTSON: It could easily happen, yes.

MR. JOHNSON: It could easily happen, but the law-making body is still going to be the Parliament.

MR. SEVERTSON: Okay. Thank you.

MRS. GAGNON: I'd like to follow up on Jack Ady's question. Our first speaker today was Roy Louis, a Samson Cree from Hobbema, and he mentioned that the natives under the treaties – and especially in section 35 of the Charter it honours those treaties – should have a measure of self-determination. They should decide, for instance, if the reserve system is to be done away with. I guess I can appreciate that, because if they leave the reserve and go to the city, they become nonstatus and there's no arrangement for them to benefit from a land claim that might be engaged in and so on. Would you agree that to resolve all of these things, the whole matter has to be left in their hands? That's what self-determination means, I guess, the way I see it: that they will decide whether they should continue with the reserve system or not.

MR. JOHNSON: I'd put myself in their place. If I'd grown up on a reserve, I would have had probably two or three choices. I would have had a choice to be able to have access to education, a definite system of – what would you call it? – not welfare, but a guaranteed wage probably, and probably a place in that reserve or outside of it, if I chose to. I think if we continue with the system we have now in place, we tie their hands. It's got to be up to the population of the reserve, or the Indian band, to bring themselves into the mainstream of society. They cannot continue to live in the past. It just isn't there.

MRS. GAGNON: But you agree that it's up to them to determine that, and that's what the treaties protect on their behalf: self-determination?

MR. JOHNSON: Of course it does. That was signed, eh?

MRS. GAGNON: Yeah.

MR. JOHNSON: They have to live within Canadian law, though. It's not feasible for them to do otherwise.

MRS. GAGNON: I'm not talking about the law. I'm talking more about, you know, their right to determine whether they will continue with the system of reservations or move into communities or whatever.

MR. JOHNSON: Right. You betcha. Of course.

MR. CHAIRMAN: Bob Hawkesworth.

MR. HAWKESWORTH: Thank you, Mr. Chairman, and thank you, Mr. Johnson, for your presentation tonight. Your last point had to do with governments not being able to run deficits. It wasn't too, too many years ago, I guess '86, when the world price of oil dropped down to something like $10 or $12 a barrel, and our provincial government ran up a deficit that year of $4 billion. Would you be willing to acknowledge that there might be some circumstances when a provincial government or even a federal government would find themselves in a situation that it would be impossible to avoid a deficit situation? Would you be willing to recognize that there are some circumstances that . . .

MR. JOHNSON: Well, I fully understand that. I'm a farmer, and they call me a businessman. The last couple of years I've realized what a deficit position is. We've been farming at the location we're at since 1908, where we homesteaded, and I think maybe we've had deficit years too, but we have cleared them up as soon as we could. I understand that you could run into a situation where there is an extreme downturn in things.

I'd point out to you that the downturn in the oil prices was also triggered by a federal government policy called the national energy program, which, if you followed both things through, really, really hurt Alberta and western Canada. It was one government taking from another government, which probably never ever should have happened. So I could understand, but surely in a time period of six months or a year, you should be able to say to the people: "Look, we're going to give you these programs. You're going to have to pay for them now. We're not going to pass them on to your children, your grandchildren, your great-grandchildren to pay for what you're getting today."

8:40

MR. CHAIRMAN: Well, thank you very much, Doug, for your very eloquent and forceful presentation. I know we could have interesting dialogue with you, but we have two young gentlemen who are next in line: Sandy Dong and Jon Stolee.

MR. JOHNSON: Thank you very much.

MR. CHAIRMAN: Thank you very much.

MR. DONG: First of all, we'd like to sincerely thank the Alberta government and this committee for giving us this opportunity to be heard today.

MR. STOLEE: Canada is a country which needs to guarantee all fundamental and universal rights, privileges, and freedoms of citizenship to every citizen completely apart from and regardless of race, culture, language, religion, or history. This is a fundamental strength of democracy. With it we could live knowing that we belong to a free and unprejudiced society. Without universal freedoms, regions of Canada gain authority and credibility in attempts to gain privilege for one segment of society and to deny it to others.

For this reason, we strongly oppose the notwithstanding clause of our Charter of Rights and Freedoms. Our Charter is intended to be an irrefutable document to protect the rights and the needs of all Canadians. Section 33 helps out a government which feels it ought to have the authority to override the Charter. What's the point of guaranteeing our rights if they can be revoked? We would like to see this provision removed from any new Constitution because of the abuse and the inequality it facilitates. This would promote Canadian unity because French, English, and others would realize that their rights and freedoms were going to be protected forever. Hopefully, this would also act to dispel the fear and paranoia which is growing on both sides.

Many Quebeckers have expressed their desire to nullify Confederation and to create an independent, French-only nation. We would like to first point out that we feel Canada is a better country because of Quebec. A large part of our Canadian heritage is French. However, although we want Quebec to stay in Canada, it would be morally wrong to subvert the ideals of the majority of Canadians for the purpose of appeasing the French. It is our feeling that one Constitution and one Charter of Rights and Freedoms must apply universally to all Canadians. There must not be two sets of standards, one for Quebeckers and one for the rest of us. We do not wish a sovereignty association in which Quebec could act independently yet maintain influence in Canadian affairs. Americans can't vote here; neither should a citizen of an independent Quebec. Ties with Quebec are not so important to us that we would give up Canadian autonomy just to maintain association with Quebec.

Should Quebec separate – and we hope they don't, but if they do decide that life in Canada is so intolerable, they must carry the burden of debt that has been racked up on their behalf. This should consist of debts owed to out-of-Canada institutions, because the holders of Canada savings bonds should not be forced to be the creditors of Quebec. Also, Quebec should be responsible for the costs of separation if that is the road they choose.

It is our opinion that a federal system is the best system, and it is close to what we have right now. It is obviously in everyone's best interests to eliminate job duplication between the federal and provincial governments. This, however, does not involve the radical changes proposed by many people who would like to see an independent Quebec or sovereignty association or other change which would diminish our federal system. The federal government should be the dominant institution of Canada and should have authority over all other regional and municipal governments. It is understandable that provinces may desire more power to deal with their individual affairs, but this accumulation of power and responsibility at the provincial level poses dangers. Canadian unity is sometimes weak. Provinces seem to constantly argue about one thing or another. With a diminished federal government there would be less of a credible force to settle disputes and control the anger of regions. A strong federal government can or ought to take a leadership role in launching all Canadians to greater achievements and quality of life.

MR. DONG: We feel the Alberta government should continue to lobby for a triple E Senate, one that is equal, elected, and effective. Part of the role of the Senate is to guarantee the equal representation of all regions of Canada in the national lawmaking process. This aspect should not be changed; however, the upper House should be elected in order to be more active and credible in the parliamentary system. If I'm not mistaken, the appointment of the Senate stems from the fears of 18th and 19th century people, when democracy was a relatively new and untried concept and it was then considered that left-wing and radical parliamentarians and democrats would rashly run the nation into the ground. Today the democratic process has proven its worth and that it indeed does work, so there is no longer a need for an appointed body. Do not get us wrong. There still needs to be a set of checks and balances between the two Houses, but the Senate need not be appointed any longer.

MR. STOLEE: When the first Europeans arrived in North America, they were on land that belonged to the native peoples of the area. The land was given to the Europeans in exchange for materials, reservations, and promises. It is a disgrace that these promises and reservations have been violated repeatedly by our governments for so many years. Of course, we realize it is not feasible today to give away land under areas of dense population, but now is the time to live up to our promises and then lay our problems to rest. Our government needs to make fair settlement of every native treaty claim. This does not mean giving away unreasonable sums of money but being prepared and willing to offer reasonable trades, permanent settlement of the treaty in return for significant land and money. It is in the best interests of all concerned to put past conflict behind us forever.

MR. DONG: Perhaps the main cause of the political and social upheaval plaguing our country today is the lack of a Canadian identity. Our diverse and vast nation, geographically and otherwise, makes it difficult for a citizen in, for example, Camrose, Alberta, to identify with a person in Cornwall, Prince Edward Island, 3,500 kilometres away. Now, the Americas were stirred to unity by their slogan of "life, liberty, and the pursuit of happiness," while the 18th-century French were calling for "liberté, égalité, et fraternité." By contrast, the Canadian theme is a modest "peace, order, and good government." Perhaps this lack of patriotism and moral forte reflects in our disunity today.

What constitutes a national identity, a national unity? How can we bond all peoples from sea to sea, as the saying goes, a distance of over 4,000 kilometres, into one nation? We feel that a Canadian identity begins at the grass-root level, in the hearts and minds of every citizen. The country must present its people with a single, unifying goal, idea, or pride. This can be the ideal of living in harmony under a guarantee of rights and freedoms or living in a society that is just and merciful or living in a society that protects individual cultures and customs. Perhaps this identity can be accomplished through our education system. Perhaps we should be teaching the youth more of our Canadian heritage and history. Surprisingly to some, we do have a history.

8:50

If I may relate a personal experience, I was in Ottawa on the Encounters with Canada program two months ago. Through it I met other students from across Canada. I can now truly identify with our country. Through this program, sponsored by the Council for Canadian Unity, I now have a greater understanding of this country, its people, its heritage, and my role in this nation we call Canada. I can now appreciate the problems facing Canada, from regionalism to language barriers, and of course realizing the problem is half the solution.

Perhaps that is a trouble. People hear of the national disputes of unity, regionalism, sovereignty, but they do nothing because it does not affect them directly, not as much as the next pay raise or this month's mortgage. So the problems are ignored and therefore compounded. We fear that Canada may have lost its vision. Has the fire and passion that forged our nation in London in 1867 been lost? Will Canadian apathy dissolve our country? Fearfully, perhaps it may. We seem to have shown more enthusiasm for the Stanley Cup playoffs between two American teams than for Canada Day. These days it seems that polls are done daily, as if they were a national pastime. Most have come up with the same conclusion: that Canada is in trouble. People are unhappy. Quebeckers feel overwhelmed by English Canada. At the same time, English Canada feels threatened by Quebec. Sadly, as Canadians we get along so well on the international scene. We get along with the Russians, the Chinese, the Japanese, yet we can't get along with ourselves.

We would like to say that Canadians must now stop diagnosing the problem and start looking for solutions. We know our nation is in trouble. We now must ask: what are we going to do about it? Perhaps this step is the most crucial of all, and perhaps this is the step many Canadians fail to make. Therefore, we challenge all Canadians to ask themselves: what am I prepared to do? This may mean sacrificing television in order to participate in Canada Day. In the words of a visionary leader, a type of leader that Canada would love to have today: "Ask not what your country can do for you, [but] what you can do for your country." Profound words, meaningful words. Perhaps by contributing to the country, by giving to the country, a citizen can at last identify with it and proudly call himself Canadian.

That ends our presentation.

MR. CHAIRMAN: Thank you very much, both of you young men. You've done very well. You've given us encouragement.

Yes, Ken Rostad.

MR. ROSTAD: Thanks, Mr. Chairman, and Jon, Sandy, and your supporters that you have brought with you, thank you very, very much. The evening's been filled with youth, and that doesn't mean anything against those of us that are past 20, but it's meaningful that youth can think about Canada and what it means to you and what it should mean to the rest.

Jon, when you were speaking, you were saying federalism is the best system and it's good to have a strong central government. Did either of you address in your mind as to whether the division of powers that we presently have in the Constitution – section 91 listing for the federal powers and 92 for the provinces – should be changed, that we need more transferred to the federal or central government or more to the provinces?

MR. STOLEE: I see as the biggest thing that if you're going to change something, change it for more efficiency so there's not the duplication. But as for the powers and the responsibility, I don't have a great opinion because you have to know about every different department. The things that affect everybody in Canada should largely be done by the federal government, if it's not an individual thing by province. Yeah, we should try and promote equality and unity through the national programs, but provincial ones should not be the ones that are right across Canada.

MR. ROSTAD: Thank you.

MR. CHAIRMAN: Other questions? Well, one of the things you've touched on – of course, we've heard time and time again – is the concern for the native peoples and getting a fair deal. One of the problems provinces have had, however, is that that is the sole responsibility of the federal government under section 91(24), and many of the Indian peoples themselves have resisted the provinces becoming involved in any way in those discussions. Yet the provinces are obligated to provide the land bases necessary, at least in Alberta, to meet the land claims. So would you agree with me when I say that the native peoples and the provinces and the federal government all have to sit down together in order to resolve these problems?

MR. STOLEE: Well, government being the people elected by the people, it should be seen largely as one body, provincial or federal. So land belonging to the government, federal or provincial, should be available for the land claims. The provincial and federal governments should be working together to get them settled and settled quickly and fairly.

MR. CHAIRMAN: Well, that's one of the big differences between Canada and the United States. It's the provinces that own the land. The federal government owns land in the Northwest Territories and the national parks, and that's about it. So they really don't have much land to put up to settle these land claims. That's why I'm making the point. Really, you've got to have all the parties involved, not just the federal government and the Indians. It's an interesting perspective, and I thought I'd just point that out to you.

Yolande.

MRS. GAGNON: I guess I would just say quickly that you've given me a lot of hope. I'm one who is full of fire and passion about my country, and I'm glad to see that there are young people who share that. I guess the idea of history and travel – those are things that you would recommend, very important for all of us to know more about each other and about our story.

On the notwithstanding clause, you said you oppose it. Yet I'm sure you're aware that it was the price of getting a Constitution. To get everyone to agree – except, of course, Quebec didn't sign it – there had to be that notwithstanding clause there. Would you like to comment on that a little bit?

MR. DONG: Okay. I'll say something first. It was a compromise. To what extent should we compromise such a principle just to appease the province of Quebec?

MRS. GAGNON: But I think in fact it was our former Premier, Premier Lougheed, who suggested the notwithstanding clause. Am I correct? It was one way of getting a compromise at the time.

MR. CHAIRMAN: It was more than one province, as a matter of fact; it was several of the provinces. The principle behind it was that rather than transferring the ultimate decision-making to appointed courts, the parliaments of the provinces and the federal government could remain supreme over appointed bodies. In other words, the elected people would ultimately have the say. It's only in effect for five years. So it was a compromise suggested, yes, and it would be, I would think, very difficult in the negotiation with Quebec and several of the other provinces, perhaps including Alberta, to make that a turning point on changing the Constitution in another negotiation, but I appreciate your comments.

MR. DONG: In retrospect, we think that it was a mistake to compromise like that. I think it was in 1988 the Quebec government used the notwithstanding clause to overrule the Supreme Court. For example, any government can do that if they have a majority in the House. They can just implement this clause. If they're unhappy with the decision, can they appeal? This is why we have an appeal system.

MR. CHAIRMAN: They can't appeal beyond the Supreme Court. We could go on at some length about this. It does not apply to many aspects of the Charter of Rights. It's only a certain limited number of aspects of the Charter of Rights that the notwithstanding clause can be used for. I agree with you that it was a terrible political mistake for the government of Quebec, because I think it was at that point in time, the utilization of that, that public opinion turned against the Meech Lake accord. Politically, I think that is why we're doing what we are today.

In any event, thank you very much, gentlemen for your thoughtful presentation. Keep on studying the history, and remember this: you're a part of it now, because what we're doing here is a small part of Canadian history, and you've contributed.

Thank you very much.

MR. DONG: Thank you.

MR. STOLEE: Thank you.

MR. CHAIRMAN: David Gosse.

MR. GOSSE: Good evening.

9:00

MR. CHAIRMAN: Mr. Gosse, we are operating under a very tight time frame this evening. We are keeping the presentations to 15 minutes because we have to return to Edmonton, but please continue. You know what happens at the 10-minute bell.

MR. GOSSE: Yes. The letter I left here is one I sent to your office earlier. I've got a couple of pages here I'd like to read.

MR. CHAIRMAN: Thank you very much.

MR. GOSSE: I'm a Canadian. I have no hyphen. There's a tendency in Canada to hyphenate everyone. Until the mid-70s a Canadian could not put "Canadian" on a government document. Just two years ago I watched an interview on CBC where they asked a teenaged Canadian girl if she considered herself French or English. There wasn't a third choice. This has fractionalized Canadian society and become institutionalized through multiculturalism and biculturalism. A new Constitution must step out of this trap. If we are discouraged from calling ourselves Canadians by our own government, is it any wonder that many people feel discriminated against?

Previous constitutional agreements have tried to correct this by granting special status to one group or another. This only results in another group rising up and demanding their own protections. If Canada is to work, we must recognize and affirm the fundamental equality of all Canadians regardless of race, religion, gender, or ethnic background. A Canadian is a Canadian, and citizens must be confident that they will receive the same treatment from their government as any other citizen.

The people of this country must also be provided with a mechanism that allows them a greater say in how government is run. These demands for more responsive government are a worldwide phenomenon caused by greater access to information that most people now enjoy. Information was scarce and slow moving 20 or 30 years ago. Now we can find out what's happening around the world in minutes, and the citizens often know more about a given subject than the experts. When this happens, people feel they should have a say in how something is done, especially when the experts are wrong as often as they're right. With today's technology it's a relatively simple matter to institute direct democracy, and while this would not work for day-to-day government, it could be used for broad policy decisions.

I watch the news and read the papers and am frightened by what I see happening to my country. The natives in Oka are ready to rise up again, as are natives across the country. Quebec is going to secede, with who knows what consequences. Meanwhile, the people that are supposed to be our leaders dither and play politics to see who gets what. My feeling is that a constituent assembly, while as flawed as any other method, would probably achieve consensus. This could then be ratified by a province-by-province referendum with all provinces approving. This method is as prone to failure as any other, but it would give all Canadians a say in how their country looks in the 21st century without the complaint that any one person or region was left out of the process.

Thank you.

MR. CHAIRMAN: Thank you very much. You've made a strong case for a constituent assembly. How would you see the people being chosen? By election?

MR. GOSSE: I think that's as good a way as any just for the term of the constituent assembly.

MR. CHAIRMAN: Just for that specific purpose.

MR. GOSSE: Yeah.

MR. CHAIRMAN: You wouldn't see people being appointed, however, by government.

MR. GOSSE: Well, government has become a special interest group in and of itself. A lot of what government does is to protect itself, so there's a lot of lost trust in government right now.

MR. CHAIRMAN: Could I just make it clear? You said each province would have a referendum.

MR. GOSSE: It would be a province-by-province referendum, and each province would have to approve unanimously.

MR. CHAIRMAN: In other words, if Alberta voted no . . .

MR. GOSSE: Back to the drawing board.

MR. CHAIRMAN: Back to the drawing board. So that's clear. Okay.
Questions?
Bob Hawkesworth.

MR. HAWKESWORTH: Thanks. One of the proposals that Quebec has been making in terms of recognizing their situation, or distinctiveness, has been to propose quite a radical reshifting of the divisions of powers between the two levels of government, basically to strengthen considerably the provincial powers at the expense of the federal government. Do you have any particular thoughts on whether we should adopt that or modify it or go along with it or strongly resist it?

MR. GOSSE: I feel that both levels of government should have less power. Right now you elect a government for up to five years. With a majority they can do whatever they wish. There are no limitations on the powers of government, federally or provincially, except the squabbles between each other. There has to be some way to slow down government. You look at the GST with 80 percent of the citizens saying no. Whether it's a good tax or a bad tax is immaterial; you should have some way of stopping it.

MR. CHAIRMAN: Thank you very much for your comments. I appreciate your comments about the GST because I don't think there's anybody at this table that likes it very much and, as you know, not very many Canadians. One of the things that, of course, has been suggested is putting major issues such as that to referenda. The ability to raise taxes is tough in any event, especially when people want to continue to have a high level of services such as medicare and education and social services and so on. The ability to get those taxes is tough, and knowing how to get public support for tax increases is awfully difficult.

MR. GOSSE: I would suggest doing it by initiative: instead of having your tax going to general revenues and then disbursed from there, specific taxes for specific projects so people can see where their money is going.

MR. CHAIRMAN: Oh, I see. Well, you've given us some interesting thoughts. I know you've given us a fairly lengthy presentation, which I thank you for. You had sent it to us back in February, and we've had the chance to review that. We appreciate your coming forward, as we do the other 30 members of the audience who have been participants since 1 o'clock this afternoon.

It's been a very good day in my opinion as chairman of the committee. I want to thank everyone who participated. This is an example, I think, of your Legislature at work in a somewhat different forum than normally one sees. You see opposition members co-operating with government members, being polite to each other. That happens quite more often than you might think happens if you only watch the question period, which of course is a little bit of theatre which occurs every day in the Legislative Assembly. We do think that the exercise has been very helpful to all members of the committee, and I want to thank the people of Camrose and district for giving such a great deal of careful thought to the presentations which they put forward. I'm encouraged by the fact that everybody who came forward started out by saying they're Canadians. That's great.

From here we go back to Edmonton tomorrow to fill in and meet some of the people who wanted to see us last Friday and Saturday. From there we go to Lethbridge and then to the city of Medicine Hat, for which I have a particular affinity, and then back to Calgary for another day and a half of hearings. The other panel is in the process, as I mentioned to you earlier, of moving about the province as well. When we've completed this exercise – and as you know, the Legislature adjourned for this week so that we could carry out this responsibility – we'll get together on June 6 and decide whether or not it will be necessary to hold additional public hearings. If it is, in our view, necessary to do that in order to seek out the views of Albertans, if there are further requests from Albertans to meet with them in a forum such as this, we will do so.

I hope that nobody felt overly intimidated by the process. As I said at the outset, we haven't bitten anybody to date, and I think at the end of today we can say that in all honesty once again.

Thank you all very much for your participation. I hope you leave here feeling better as Canadians that you've had a chance to say your piece and to know that we are serious about working together for the future of our country.

Thank you very much.

[The committee adjourned at 9:10 p.m.]

9 a.m. **Wednesday, May 29, 1991**

[Chairman: Mr. Horsman]

MR. CHAIRMAN: Ladies and gentlemen, it's now 9 o'clock. This is a special meeting to accommodate Edmonton people who wish to make presentations and were unable to do so in the original time slots available. Therefore, I would like to get the proceedings under way.

First of all, for those of you who don't know me, my name is Jim Horsman. I'm the MLA for Medicine Hat, and I am the chairman of the select special committee of the Legislature. There are 16 members of the Legislature on the committee, and we have divided into two panels. This panel is here today on, as I say, a day which we had originally intended to have off from our hearings, but to accommodate the extra people, we have decided to sit this morning. The other panel is in Hinton today, so we're all at work. I'd like to ask the members of the panel who are here just to introduce themselves quickly, and then we'll hear from those who may be in attendance who have asked for opportunity this morning.

MRS. GAGNON: Thank you. My name is Yolande Gagnon, and I represent Calgary-McKnight.

MR. ADY: I'm Jack Ady, the MLA for Cardston.

MR. BRADLEY: Fred Bradley, the MLA for Pincher Creek-Crowsnest.

MR. SEVERTSON: Gary Severtson, MLA for Innisfail.

MS BARRETT: Pam Barrett, MLA for this riding, Edmonton-Highlands.

MR. ROSTAD: Ken Rostad, MLA, Camrose.

MR. CHAIRMAN: This is now the fifth day of the hearings in which our panel's been involved. It's been very interesting; we've usually found more people wishing to give us their views than we had time for, but we've managed to accommodate everyone to date. We have to stick very tightly to the timetable, which is that each presenter will have 15 minutes. At the end of 10 minutes a bell will ring, and that will give you an indication that you have five minutes left either to bring your presentation to a conclusion or to let the panel ask you questions or make some observations. I don't know if everybody who wishes to present this morning is in attendance, but is Peggy Morton here? Bronwyn Shoush? Brian Toole? Albert Opstad is not here. Vilma Betts? Bill Dupont? George Brown I believe is here.

Well, Mr. Brown, rather than waiting until 10:30, why don't you come and give us your views right now? If you'd be good enough to make sure you speak directly into the microphone, then the people in the rest of the room will be able to hear you as well.

MR. BROWN: Mr. Chairman, first let me commend you for holding extra hearings. One of the problems with the Meech Lake discussions was that the Canadian public were shut out and had the feeling that their opinion was of no value and, indeed, that they didn't want to hear it. I think the government here is very wise to hear as many citizens as might wish to present themselves. I provided copies of my submission yesterday to your office; do you all have a copy?

Now, if I may, Mr. Chairman, I'd like to read through it as quickly as I can and then answer questions. I hope there'll be a bit of time left. This is, of course, addressed to Hon. Jim Horsman, QC, MLA, chairman.

Dear Sir:

In response to your letter inviting me to make a submission to the all-party committee of the Legislature of Alberta, some of my thinking on this subject appears below. I do wish to participate in these hearings and to speak to some of the points in my brief.

Several crucial issues regarding Canada's future have been brought to the fore by the failure of the Meech Lake debacle. Certainly the core of the problem, the Meech Lake process, was that the English-speaking Canadians had a collective commitment to a concept of Canada with a viable central government. Unfortunately, at that juncture in Canadian history this faith was greater than that of their provincial leaders. This gathering of Premiers behind closed doors has decided to placate Quebec separatist feelings by dismantling Canada's system of federal government.

Mr. Mulroney failed this nation because he lacked the vision of a statesman to build Canada beyond where it was in 1990 and merely sought to make deals with provincial Premiers, some of whom possess only modest abilities and little national faith or vision. The net effect for the Premiers and their provinces had Meech Lake passed would be to aggrandize the provinces at the expense of a strong central government. Mr. Mulroney and the Premiers misjudged the deep desire of the Canadian people to be strong and united, and they thought, if necessary, that Canada as a sovereign nation should be dismembered on the altar of Quebec nationalism.

It has been suggested that somehow Quebec's demands for independence or some kind of sovereignty association is balanced by feelings of western Canadian alienation. This unlikely parallel does not stand up to close examination. True, western political leaders want more power within Canada, but the only idea they have put forward that has much popular support in the west is that of Senate reform. Any reasonable examination of the proposition that Senate reform would produce a wholly new pattern of Canadian political life is doubtful. Geography and population in this country place the locus of economic development in central Canada, the financial and commercial hub of Canada. Canadian economic inequalities in the outlying provinces have been ameliorated through federal transfer payments, regional development policies, and equalization payments. The idea that Senate reform can somehow overcome geography and population patterns of Canada will not wash.

Quebec is, in fact, a distinct society. The puerile suggestion that all the provinces are distinct societies, as suggested by former Premier Vander Zalm and Don Getty, does nothing but muddy the waters. It is little more than a bargaining point to add to individual provincial power. English-speaking Canada must recognize Quebec's distinctiveness in a new Constitution. Certainly its Civil Code is unlike that of the rest of Canada. The French language, which predominates in Quebec, must be recognized in the Constitution. For example, its own pension plan and income tax and special arrangements regarding immigration are other characteristics of Quebec that should be recognized in the forthcoming Constitution.

Any hope that Quebec independence and/or nationalist sentiments can be placated by transferring a laundry list of demands in the Allaire report to the province of Quebec is at best wishful thinking. The fact is that attempts to placate

Quebec by transferring federal powers to it and by dismantling the federal system of Canadian government through devolution to the provinces will not satisfy Quebec independence-seekers. Indeed, this kind of political deal-making, dear to Mr. Mulroney and his Meech Lake cohorts, has only served to whet the appetite for independence of M. Parizeau and his followers. Quebec says that they would like to be independent of Canada in all matters except that they would like to continue the use of the Canadian dollar and that a joint central bank and a customs union must be part of their independence.

The time has come, Mr. Chairman, for Quebec to bite the bullet in the matter of choosing independence, but if they should so choose, why should the rest of Canada share the control of our central bank and currency and of our monetary policy with another country? If Quebec opts for independence, it must be just that. The province of Alberta would be foolish to offer them the Canadian dollar and access to the central bank of Canada. Our current political leaders must make it clear to Quebec that their independence, should they opt for it, cannot include some sort of political deal concocted in the style of the Meech Lake objectives. Should Quebec become an independent nation, it will find itself as a single French-speaking country surrounded by two English-speaking countries.

The present Constitution of Canada and the Charter currently contain clauses which protect linguistic rights and have clauses to accommodate Canada's traditional bilingualism. This country has excellent national institutions which have helped to make it the envy of much of the world. Those who would seek to destroy Canada's institutions or reduce to uselessness such important factors as the CBC, with its national mandate, and the health care system of Canada, the envy of thinking people in the United States, are doing this nation no good. This kind of nonleadership, inspired perhaps by the Reagan administration's puerile example, may have had its way in Canada. I refer there, of course, to the states' rights approach of Mr. Reagan and his followers. It may have had its day in Canada. However, Quebec must be left to make up its own mind as to what it wants to do or what it wants to be, and Quebec's own leaders must be honest enough to clearly tell their citizens what independence will, in fact, mean for them.

9:10

I recommend that the government of Alberta support the concept of a special status for Quebec in the new Constitution. However, if Quebec opts for independence rather than redefined status within a new Canada, we must not support any scheme to keep Quebec in Canada by undermining our own federal institutions. Several major issues now face Canada, and they must be addressed. I will now proceed to a few of these. I do not mean, Mr. Horsman, that this is some kind of exhaustive list; I touch on only a few.

Aboriginal rights. One, self-government proposals. A variety of responsibilities should devolve to the Indian communities. Such institutions as schools, health care, and social services should be under the direct control of Indians. For practical purposes the department of Indian affairs should be sharply reduced; at the most it might have a co-ordinating function and be a clearinghouse for ideas if the Indian people wish this.

Provincial status; that is to say, for the Indians of Canada. Close examination of this proposal is, I believe, unworkable. I don't even want to discuss it as a realistic idea. I think it's a foolish idea, and I don't want to waste my time or yours.

Sovereignty. Sovereignty of current Indian reserves is at best a misnomer. This term has specific meanings in international affairs. If it means more responsibility devolving to Indians through the present band system, this has been accomplished to a minor degree, and much more can be done. If Indians want to be completely independent of Canada, hence sovereign, then no further financial aid or support should be expected by them from Canada. Their best hope must lie through education and training to enable them to compete on a much more equal footing with other Canadians. Abuse of the environment through irresponsible operation of industries which pollute their – that is, the Indians' – water and air must cease. Many Indians do not live in an urban setting and do not wish to.

I'll touch on Canadian regionalism and draw your attention to it in my paper, but I wish to go down to item (c), official languages. I see no reason why Alberta, with a very small French-speaking population, people who actually live in the French language, should adopt bilingualism. However, programs to provide French-language instruction in the school system should continue to be given good support where requested. Demanding French/English bilingualism in a wide variety of occupations even where very small French-speaking minorities exist is, I believe, counterproductive. It provokes more resentment than any benefit which may accrue.

If I may move down. The government of Quebec has made it abundantly clear that there are strict limitations on the use of English in Quebec, but I would not recommend that the government of Alberta adopt official English unilingualism. While this might placate anti-French sentiments among some citizens, it would do nothing to bring Canadians closer together.

I'll ask for your attention to point (d). You may read it. I won't go on. I touch on immigration policies, and I urge the government of Alberta not to try and seek provincial powers in immigration. I think it will make a hodgepodge if all the provinces do this. I mention, if you'll notice, under section 2, diplomacy, the use of Canadian houses across the world.

Now I wish to move to section (f) quickly, please. The constituent assembly, council of state, and referendum. The constituent assembly is one of the ideas which seems to be gaining momentum. Certainly it appeals to some people who have completely lost faith in many of Canada's elected politicians. Those who were closely associated with the Meech Lake process stand a good chance of being ousted from office by the electorate should they present themselves for re-election. The question of the legitimacy of a constituent assembly and the difficulty of electing its representatives in a superheated atmosphere might well cancel the benefits which would flow from it. Such an election could easily produce a disproportionate number of vengeful zealots, with reference to Quebec, who lack in fact any real expertise in constitutional matters or the skills of government.

Please look down to council of state, Mr. Horsman. This concept has the advantage of being able to use a chosen selection of present members of the House of Commons and Senate from all major parties. In addition, it could include and must include a careful appointment of constitutional experts from across the country who have proven academic expertise on the matter of constitutional law. Several of these competent persons have already been called as resource persons by the Edwards-Beaudoin joint House and Senate committee. The council of state concept can be implemented with much less time and much less danger of failure, as it must involve leaders and members from both sides of the House and from the Senate and from academia. It would not lack credibility or timbre. After all, there is a time limit of autumn 1992 in which to bring forward viable recommendations and have them approved by referendum.

I think I'll stop reading there, Mr. Chairman, and draw your attention to one more idea. I do not believe that a referendum is necessarily a part of the council of state procedure. A vote of the House of Commons, perhaps a free vote, would serve just as well because it would still have legitimacy. I'm not certain that a referendum produces clear answers. I draw your attention to Mackenzie King's famous use of a referendum regarding the matter of conscription. At the end of it he said that it meant "not necessarily conscription but conscription if necessary," which reminded me of the Romans reading chicken entrails. It wasn't a clear message. So I don't believe that we should put a lot of faith in the referendum process necessarily. It may be held in a superheated atmosphere where a clear answer or even the best answer may not be provided. I do believe the council of state, depending heavily on a multiparty representation and with the use of properly qualified constitutional law persons and others, should be the route to go. Although I'm well aware that you don't need reminding – you're better informed than I am – I remind the committee that there is a time limit. While it's not chiseled on stone, it's nevertheless there, and we can't ignore it.

Thank you, Mr. Chairman.

MR. CHAIRMAN: Thank you, Mr. Brown.

Questions or comments? Yolande Gagnon, Jack Ady, Fred Bradley.

MRS. GAGNON: Thank you for your presentation, Mr. Brown. Yesterday when we were in Camrose, we heard from Roy Louis of Hobbema, who talked about the department of Indian affairs. You're suggesting that it be reduced and become a clearinghouse for ideas and information. Just let me tell you quickly that I asked him the question: should we get rid of the department? He said not until the natives are totally satisfied that they have had their treaty rights recognized and that they are a constitutional group. How would you react to that?

MR. BROWN: Mr. Chairman, Mrs. Gagnon, if you read my paper carefully, it doesn't say that we would reduce it immediately. I'm suggesting that once many of its powers are devolved to the Indians themselves – and I've enumerated a few of them – then its function would be much less than it is now. I also see it as a clearinghouse for ideas and so forth. I don't think it should be abolished, but I think that its function will diminish as the Indians of Canada have powers devolved to them from it. Okay?

MRS. GAGNON: Good. Secondly – I guess it's a remark more than anything – you mentioned that Alberta should not adopt . . .

MR. BROWN: Unilingualism.

MRS. GAGNON: But it already has through Bill 60 in 1988, in fact. My understanding is that Alberta is a unilingual English province. That has already been done.

MR. BROWN: Thank you. That might be one of the things, Mr. Chairman and Mrs. Gagnon, that the government of Alberta might reconsider in the construction of a new Canadian Constitution. I see no particular value to that kind of legislation in Alberta except as a goad for Quebec and a way of placating, I think, emotional anti-French feeling in Alberta. I see no virtue in antiethnic feeling, whether it's in Quebec toward English speakers or in the west toward French speakers. I think it's a negative concept, and the government of Alberta I think acted wrongly in doing that.

MR. CHAIRMAN: Mr. Ady.

MR. ADY: Thank you. Mr. Brown, you put forth some very thought-provoking concepts, one of them dealing with special status for Quebec. I have to go back to the three-year process of Meech Lake. In the final year or so of that process the message came through to us as politicians, I think across Alberta, that the big concern with the Meech Lake concept in Alberta was the distinct society clause, as opposed to the other four clauses that were contained in it. Now, during these hearings we are often hearing that Alberta should not be taking a position to give Quebec any type of special status or distinct society, that we should be shying away from that. You're advocating that they should receive special status. I don't have any quarrel with you taking that position. I just have to ask you the question: how would we as an Alberta government ever sell that concept to Albertans when they can't even accept a distinct society clause?

9:20

MR. BROWN: Well, the public discussions, such as they were, which went into the Meech Lake process I think it's nationally admitted were insufficient. It did hear from special interest groups and people who had a burr under their saddle. Jack, you'd know the meaning of that term. What I'm saying is that I think in the remaking of the proposed Constitution, if we don't want to use the term you have just used, we have to recognize that Quebec is vastly different as a province from the rest of Canada's provinces: a much different history, different civil law, and I've enumerated some other things. To say that we're willing to recognize those things is rather like saying you're willing to recognize an elephant at a circus. It's there. You don't have to admit or give . . . You're not giving away anything. This term that you've mentioned has become an emotionally charged term. So I say let's recognize the fact that they are a special province with a different history, different laws, and a variety of cultural differences. That doesn't mean that we're "giving in to them." But we must not give in to heavy anti-French, anti-Quebec feelings in Alberta. J'ai étudié le français à l'école. Je parle en français un peu, et je lis en français. But that doesn't mean that I live in French, nor does it mean that I am overly sympathetic to the French people. I simply think that if we want to keep Quebec in Canada, we must recognize some of their special qualities and must not go down the road with anti-French emotionalism. It is, I believe, totally counterproductive, sir.

MR. CHAIRMAN: Gentlemen, we now have a long waiting list of questioners. We've gone past the 15 minutes allotted to this gentleman. There are a number of additional presenters in the audience, and as you look at our schedule, you will see that today we're proposing to see 15 presenters. I just urge you to keep your questions brief and your responses brief as well.

MR. ADY: I gather, Mr. Chairman, that you'd like me to forego my supplementary. I'll do that.

MR. CHAIRMAN: No, I'm not suggesting that. But unless you want to be here at 3 o'clock this afternoon, I would suggest that we try and keep our questions and answers very brief.

MR. BRADLEY: Thank you, Mr. Chairman. I had two questions; I'll cut it down to one.

You brought forward the idea of a council of state. Currently in our Constitution we require the ratification of the provincial Legislatures in terms of amending the Constitution. Do you see any role for provinces in your council of state? What role would you see for provinces?

MR. BROWN: Frankly, no, except on a very important consultative basis. We have already had the role of the provinces in the Meech Lake process. I think now we ought to take another approach.

MR. BRADLEY: However, to ratify a constitutional amendment, you still have to go to provincial Legislatures. If you leave provincial Legislatures out of your process in terms of drafting your Constitution, they will feel left out, and when it comes to the ratification process, if their concerns aren't addressed, they're not likely to ratify the document.

MR. BROWN: Well, I think they would ratify the document if the council of state process were held and if a vote of the House of Commons was then made on the basis of the findings and recommendations of the council. Then it could go to the provincial Legislatures, and they might do with it what they wish. What the provincial Legislatures must remember, Mr. Horsman, sir, is that we're past the point where we must act as provinces. We've got our backs to the wall and we must think of what is best for Canada, not what's best for Alberta or New Brunswick or whatever. I think we're now being called to stand up for this country. We are, I think, Canadians first and Albertans second.

MR. CHAIRMAN: You've made your point, I think. Thank you.

Pam, did you wish to get in?

MS BARRETT: Actually, Fred got mine. Thanks.

MR. CHAIRMAN: Okay. Thank you very much.

MR. BROWN: Thank you, all.

MR. CHAIRMAN: Peggy Morton is here now, I believe.

MS MORTON: First, I'd like to make a small correction. I'm representing the Communist Party of Canada (Marxist-Leninist), the Alberta regional committee.

MR. CHAIRMAN: Excuse me. Go ahead. I'm sorry.

MS MORTON: Thank you. Chairperson, members of the committee, the working people form the vast majority of Canada's population. By "working people" we mean all those who make their living through work, whether it's workers, farmers, small fishermen and trappers, as well as those from the intelligentsia, professionals, and others whose living is derived mainly from their work. It is working people who create and produce everything, and in a truly democratic society it is they who must shape their own destiny. A truly democratic Constitution will be one which has been decided and agreed upon by this majority and which enshrines the rights and duties of the people in the Constitution.

On one question there is widespread agreement in Canada: the present Constitution is not working for the people. The Constitution of a Democratic country must be a source of unity amongst the people. Sadly, however, the process, discussion, and debate over the Constitution has not served as a unifying factor; far from it, it has become a source of disunity. The Canadian people have expressed their profound dissatisfaction and disagreement with a process where 11 men can discuss the future of the country and barter over a new Constitution in secret.

In 1982 the Constitution Act was adopted and it was said that Canada now had its own Constitution. As we know, Quebec was not part of this decision. But this was not the only problem. The Canadian people were also left out. This process is a continuation of the events of 1867 and afterwards. The British North America Act which forms the basis of today's Constitution was never agreed upon by the people. In fact, the union of the provinces was carried out despite popular opposition, particularly in the maritimes. The prairies were annexed through a sale by which the Hudson's Bay Company gave up its territorial claims in return for 300,000 pounds. John A. Macdonald wrote in June 1869: we have quietly and almost without observation annexed all the territories between here and the Rocky Mountains. The lesson of the failure of the Meech Lake accord is that a continuation of old methods cannot solve the constitutional crisis. What is needed is the repeal of the BNA Act and elections to choose delegates for a constituent assembly to draft a new Constitution. We do not consider that the problem in Canada is Quebec or that we have problems because of a natural animosity between the peoples of the east and west or on the basis of any other such division. The problem resides with the British North America Act itself. The unity which the people seek can be found only if the BNA is repealed and a truly democratic Constitution decided by the people replaces it.

Why should the Canadian people retain a colonial Act which was never decided by the people, which does not guarantee equal rights and duties, which does not recognize the rights of the nation of Quebec and the hereditary rights of the native people, and which does not guarantee equal rights to women? This will not assist in providing fundamental rights. It will not unite the people. It will not solve any problems. Historically, constitutional debate in Canada has not centred on the rights and duties of the people; rather, it has centred on the question of division of powers between the federal and provincial governments. At this time, this finds expression in such ideas as demanding more power for governments at the provincial level while the federal government's power will be diminished. Whether the power resides in the hands of the federal government or the provincial governments, there's a basic flaw in this democracy. That flaw is that those who elect in fact do not govern. Such a conception is a denial of the democratic rights of the people.

The new Constitution must enshrine these basic democratic rights and principles, including the rights of nations to self-determination. The Constitution must recognize and protect the hereditary rights of the native peoples of Canada. Our party recognizes that Quebec is a nation constituted by all people who live in its territory. The nation of Quebec has the right to self-determination up to and including secession, and this question must be decided by a referendum of the people. Quebec cannot be viewed as a province amongst the provinces, and the democratic right of Quebec to self-determination cannot be upheld by demanding that all the provinces have increased powers while the power of the federal government is diminished. This is not the issue. The issue is that power must reside not in the governments at various levels but with the people.

9:30

The new Constitution must enshrine certain inviolable rights including the sanctity of the individual and the equality of all citizens and residents in Canada. All forms of discrimination must be banned, and the rights of women must be explicitly established in the Constitution. The reasonable limits provision in the Charter is not acceptable because it permits the governments to exercise limits on the inviolable rights of the people. All discretionary powers of any level of government or the courts, including the Supreme Court, should be ended. The only authority recognized for amendment of the Constitution must be the people through their broad participation.

The new Constitution must also entrench a new popular democracy in the basic law of the land. Fundamentally, electoral reform means ensuring it is the working people who mainly comprise the Parliament while also ensuring they have the opportunity to elect those who are the best. To this end we propose that in order to establish a new popular democracy in which the people can exercise their sovereignty, constituent assemblies be established.

By their very nature political parties represent and advocate specific policies and interests, and as such they cannot be considered representative of the overall interests of the society, of the collective interest. Therefore, we propose that constituent committees be established to organize the selection and election of candidates and the recall of elected members who do not perform their duty according to their mandate. The electoral reform must also ensure that no individual political party or interest group can finance candidates. The constituent committees financed by the federal government will ensure that the views of all candidates are presented to the electorate during selection and election. The Parliament should also be expanded.

We respectfully request that the committee adopt our recommendations for repeal of the BNA Act and the election of a constituent assembly to draft a new Constitution and for electoral reform. Without taking this step, no problems can be resolved.

Thank you.

MR. CHAIRMAN: Are there questions or comments? Yes, Fred Bradley.

MR. BRADLEY: You have an interesting suggestion that we repeal the current Constitution and then have a constituent assembly. What do you do in the hiatus in terms of the constitutional law of the country while your constitutional assembly is meeting? Wouldn't you have to have some continuity clause until you were able to arrive at a new document?

MS MORTON: I think if we can agree that the BNA Act should be repealed and a new Constitution should be decided by the people, by election, by a constituent assembly, we can also sort out this problem. We don't come with a proposal in which all the t's are crossed and all the i's are dotted, because fundamentally what we are saying is that the constitutional crisis has to be decided by the people. So we have various proposals on these things, but I don't consider this a fundamental question.

MR. CHAIRMAN: Pam Barrett.

MS BARRETT: Thanks. Peggy, why is your party so insistent on repealing the BNA Act? Why are you so determined that it couldn't be amended to suit the public agenda?

MS MORTON: I think I explained that. We have a Constitution which was not agreed upon by the people, which was not decided by the people, and which does not begin with the fundamental basis that the issue of the Constitution is the rights of the people. The BNA Act historically is a question of a fight over . . .

MS BARRETT: Jurisdiction.

MS MORTON: . . . jurisdiction.

MS BARRETT: I know. I heard that.

MS MORTON: So we need a whole new Constitution, and we need a broad discussion amongst the people of what this Constitution should have in it. It has to begin from this basis. The whole process we have gone through has shown that there is no resolution without this.

MS BARRETT: Well, if you can amend a Constitution and amend a Charter of Rights which had brought in for the first time ever collective rights and for the first time ever specific rights for women, for example, I don't understand why you couldn't continue that process along with the process you're talking about, which is public participation and ratification.

MS MORTON: I think the fundamental issue here is that we are saying this question has to be decided by the constituent assemblies. Now, how can you say to the constituent assemblies that we have taken the stand in Canada that we agree that we need a new popular Constitution, a new popular democracy? I'm quite sure that you read the opinion polls as well as we do. Just before the beginning of this year an opinion poll was taken, and 11 percent of the people of Canada said they were happy with the existing situation. Is this not enough reason to say that we should begin by drafting a Constitution which starts with the basic rights of the people? If you have a Constitution which doesn't start with the basic rights of the people, then you have to begin again. That's essentially what we're saying.

MR. CHAIRMAN: Well, thank you very much for your presentation. The idea of . . .

Oh, sorry, Bob. Did you want to get in?

MR. HAWKESWORTH: Could I maybe just ask one question, Mr. Chairman? Before you go, Peggy, you mentioned that in order to organize a constituent assembly, you'd have to begin with constituent committees. I'm just wondering how those would be organized. What's the first step here in order to get to the constituent committee? How do you see that working?

MS MORTON: What we are proposing is that there should be a reform of the electoral process whereby in every constituency – and we're also proposing that the constituencies be much smaller, that there be far more to enhance public participation – the constituency assemblies should be in charge of carrying out the selection of candidates and the three candidates who receive the most votes will then be the candidates in the election, and all the finances will be taken care of by the constituent assembly.

It's a very well known fact in Canada that those who cater to those with money, influence, and power – and this is the way political parties are organized in Canada – have the advantage in the elections. We think that in order to have truly democratic elections all the candidates have to be on an equal footing. So we're suggesting that there first be a selection process and those candidates which have the most support amongst the people then become the candidates in the election, and that no one can be elected unless they have at least 50 percent of the people in the constituency actually voting for them.

MR. CHAIRMAN: Okay. The idea of a constituent assembly has been fleshed out a bit by you in your comments. Would you agree that in the end, once you have elected the members of the constituent assembly, you now have elected another group of politicians in effect? How long would they be in existence as a constituent assembly, this new group of political leaders?

MS MORTON: We're not suggesting that Parliament won't exist as it exists now, although we want it on an enlarged basis. We also include the right of recall, that any 10 percent of the electors can suggest recall.

MR. CHAIRMAN: You missed my question.

MS MORTON: You mean: will they run for a four- or five-year term as it is now? Is that what you're asking me?

MR. CHAIRMAN: No. Would the constituent assembly just be in existence long enough to draft the new Constitution and then cease to exist?

MS MORTON: No. The constituent assemblies, at the constituent level, will also be permanent bodies in charge of selection of candidates of the elections and of the process of recall.

MR. CHAIRMAN: Okay. It's very important to know that is your view. Thank you very much for your presentation.

MS MORTON: Thank you.

MR. CHAIRMAN: Bronwyn Shoush.

MS SHOUSH: Good morning, everyone. I've come today to speak on the federal structure of Canada as opposed to looking at the Canadian Charter of Rights and Freedoms and the relations it has between the citizens and government. I think if we don't have a sound federal structure, we may no longer have a country, and the rights that we have in the Charter will be a moot point. So I'll start there.

9:40

I would like to see in the Constitution the notion that Canada is a voluntary union of equal provinces in a federal state and that this be a fundamental characteristic of Canada.

Next, I think that we've heard quite a bit recently about a strong Canada meaning a highly centralized Canada. I would disagree with that notion. I do not think that a strong Canada necessarily means a highly centralized Canada. We can look to the example of the Soviet Union, one of the most highly centralized unions in the world, and see that its highly centralized structure has, in fact, been one of its downfalls, and it is now moving towards massive decentralization in an effort to save the union. I think there is a good deal that we can learn from looking at the Soviet constitution and the problems that they are facing now.

I've heard others point towards the European Economic Community and the fact that Europe is coming together at a time when Canada is looking at perhaps breaking its ties with various provinces. I think that while the European community is coming together for purposes of trade and international trade, regional entities within the community are certainly strengthening their position to be able to deliver services to local majorities. I don't see a move by Britain, for example, to give up its right to deliver services to its own people. In fact, it's going out into the municipalities. There is a move towards getting delivery of services at local majority levels rather than at national or international majority levels.

The next point. I think many Canadians are very concerned about accountability, about who is responsible for what legislation, what program, what policy, and exactly who is responsible for paying for it, for collecting taxes. This, I feel, has been a major problem in Canada in the past. The use of the federal spending power is found nowhere in the Constitution, yet the federal government has used its ability, the power of the purse, to collect taxes and then used those taxes to, I would say, interfere in areas of exclusive provincial legislative jurisdiction. I've written a paper on this, and I'll just read you the conclusion that I put in. This was a paper for advanced constitutional law that I took at the university.

The spending power has been used on a massive scale to provide payments to individuals – for example, family allowances – to institutions, universities, municipalities, through Canada Council grants and to provinces through unconditional and conditional grants. It should be remembered that this spending is all done in areas in which the federal government has no legislative jurisdiction, so it is using the power of the purse to guide and influence events and policies over which it otherwise has no control. There are a large number of concerns with this kind of action, especially in view of the huge national deficit Canadian taxpayers are constantly asked to remember every time taxes are increased. One of the concerns is that by use of the federal spending power, Parliament and the national majority sets priorities and essentially determines policies over which it has no jurisdiction. It's easy to see how this is of concern of the province of Quebec, which is entrusted with the preservation of its distinct identity, of its culture and language, in a sea of North American Anglophones. It should also be a concern for other provinces. As Professor Alan Cairns has stated:

> In the long run centralization was inappropriate for the regional diversities of a land of vast extent and a large geographically concentrated, minority culture.

One of the advantages of a federal system is that there is potential for social experimentation in the provinces. New programs can be pioneered which, when their worth has been established, may commend themselves to other provinces. At the national level such change comes more slowly. Experimentation and innovation are more likely to take place where provinces are closely tied to their electorate. For example, the province of Saskatchewan and its medicare; they brought medicare to Canada. It wasn't the federal government which did that.

It might be interesting for you to hear this quote and then perhaps guess at who said it:

> A fundamental condition of representative democracy is a clear allocation of responsibilities: a citizen who disapproves of a policy, a law, a municipal by-law, or an educational system must

> know precisely where it is so that he can hold someone responsible at the next election.
>
> For unitary states such as the United Kingdom, this condition is a relatively easy one to meet. Since Parliament has absolute sovereignty, all the country's laws emanate from it, and its members are answerable to the electorate not only for what they accomplish for the general welfare, but also for what they fail to achieve despite their complete legislative powers.
>
> In a federal state such as Canada, the situation is more complex. The exercise of sovereignty is divided between a central government and ten regional governments which taken together, constitute the Canadian state, and each of which must ensure a certain part of the general welfare. Since the same citizens vote in both federal and provincial elections, they must be able to determine readily which government is responsible for what; otherwise the democratic control of power becomes impossible.

That was a speech by Pierre Trudeau when he was a professor, before he became king and before he instituted the national energy program.

So the point I'd like to say is that provincial governments should have the right to collect taxes in the areas for which they have jurisdiction, not the federal government doing it for them and then offering them cash back either by direct or indirect grants to institutions, individuals, or conditional or unconditional grants to provinces.

On the question of municipalities I heard recently that some are proposing that municipalities have some kind of constitutional rights. I think it's quite important to tread on that one carefully. The experience in the U.S.S.R. has been quite interesting in that respect. We have municipalities with expanding borders. Nobody knows where the borders of the municipalities end, whether municipal airports that become international are in the jurisdiction of the municipal or the union republic level or the U.S.S.R. level. There are all kinds of problems with that.

I was very interested in the comments that Roy Louis made yesterday about aboriginal people, and I share many of those with him, as an aboriginal person. I think that governments in the past and Canadians, generally speaking, have not behaved responsibly towards aboriginal people. The Indian Act is one part of the problem, and it certainly needs to be redressed. When the needs of Indian people are addressed, that could go, but there are also Metis people and the Innu who should be remembered.

I hear the bell so I'll move on quickly.

I'm fairly concerned about the steps the federal government has taken recently on the environment and on the question of national standards. I consider those to be Trojan horses that the government is using to move into areas of exclusive provincial jurisdiction. I had the opportunity to attend the Supreme Court hearing on the Oldman River dam case in Ottawa, and I'm anxiously awaiting the decision there. The environment is an area that is not a discrete and insular area that can be put under any head of authority, under either federal or provincial jurisdiction. It has to be something developed through consensus, through a Canadian consensus, not a federal government edict or provincial government edict but something that needs to be worked out by consensus among the provincial and federal players at a constitutional table or, indeed, at the yearly conferences on it.

The same, I would say, for national standards. When we talk about national standards, I don't think we should think of national as something belonging to the federal government. I think national or Canadian should belong to Canada in all its parts, to us citizens as Canadians and as provincial citizens. We should look to both levels of government to decide what kinds of standards they will be and set them as minimum standards and not prevent provinces or other areas from setting higher standards if they should so wish.

The amending formula, the Meech Lake accord which was intended to bring Quebec in: I supported it very strongly. I feel that the amending formula we have is a good one. There were many reasons the accord failed. Perhaps in the future, if there is going to be the accord route followed, I think it would be worthwhile to put those clauses which require two-thirds, 50 in one accord and those which require unanimity to be placed in a separate accord, so we don't have mass confusion among the population on that issue.

9:50

On the question of constitutional conventions, after looking at the Australian experience, the American experience, and our own Canadian experience, I think we should take great care in following that route. Australia has had quite a number of severe problems in amending their Constitution. They have mandatory referendums as well, and states use these as opportunities to get back at the Commonwealth government. The American experience and the Canadian experience: we saw, when they worked in constitutional conventions, that the parties that were members of the convention all seemed to have fairly similar kinds of backgrounds. They were all middle-aged white men who had business interests, who had similar kinds of backgrounds, histories. I think Canada is a much more diverse country now, and if we have a constitutional convention which is going to take all of these diverse interests into account, we're going to have so many players at the table, first of all, who may or may not just be bringing individual agendas to the table. This can make it into a very long and drawn out process and difficult to achieve consensus.

I would prefer to let our elected members in the Legislatures and Parliament be our convention. They are accountable and responsible to the electorate, whereas members of a constitutional convention are in effect accountable to nobody. I would prefer to put my fate in the hands of those who will be accountable to me.

On Senate reform, I believe that is very important to Alberta, and it should be important to other provinces as well. If we don't get a triple E Senate, I think there should be some kind of a mechanism in the Constitution which provides for federal/provincial constitutions on the economy and on economic development to mandate this kind of treatment.

On the notion of two founding peoples in Canada, I think that idea should be dropped. Aboriginal people were here first, and if anybody is to be mentioned as a founding people, it should be aboriginal people.

I believe language and culture should belong to local majorities, not to national majorities.

I'll stop there. I have noted up my copy of this dear old Constitution with some proposals that I would submit for changing. All I would like to say in the end is: je me souviens que, née sous la rose sauvage d'Alberta, je croîs avec la fleur de lis du Québec au Canada – I remember; I will never forget that I was born under the wild rose of Alberta, but that I have grown with the fleur-de-lis of Quebec. It's been an ally of Alberta's.

Thank you.

MR. CHAIRMAN: Thank you very much, Bronwyn.

Pam Barrett.

MS BARRETT: Yes. On the subject on which you dwelled for some time, relations between federal and provincial jurisdictions, I wonder what you have to say about federal and/or provincial funding of multiculturalism activities, a subject which has also been raised many times at this table.

MS SHOUSH: I think in the area of multiculturalism, if the federal government has a responsibility there, perhaps under section 15 of the Charter, Equality Rights, although it may very well be a provincial jurisdiction, I would say that multiculturalism funds should be used to address the problems of inequalities among citizens, to address questions of racism and equity, not be used to address other issues such as culture; say, song and dance things in multicultural groups. I think those groups have the same rights as the so-called mainstream culture: ballet, symphony, and so forth. All aspects of culture should be included in funds that provinces or the federal government use to develop culture in Canada, but I would prefer to see that under provincial jurisdiction.

MS BARRETT: Thank you.

MR. CHAIRMAN: Bob Hawkesworth.

MR. HAWKESWORTH: Thank you. Again sort of in this area, the Quebec Liberal Party has adopted this proposal from the Allaire report that contemplates some pretty massive devolution, basically that the provinces maintain exclusive jurisdiction in those areas that are identified currently in the Constitution as well as shared areas of responsibility, and that the federal government sort of vacate those areas of jurisdiction. How far do you think we should go in terms of accommodating that particular view of Canada? You expressed a fair amount of sympathy for a provincial point of view on this, especially Quebec's point of view. Do we go all that way, or is there some point at which we've gone too far? Or do you really essentially endorse the Allaire report?

MS SHOUSH: Well, I have gone through the division of powers, and I think one area that we could look at besides suspending power, because that has been a major irritant to Quebec and other provinces, is the use of the peace, order, and good government clause in section 91. The federal government has used that in the past to interfere in provincial jurisdictions. I think if that area was addressed and section 91(3), taxing – I think if provinces have the right to collect taxes in any way or mode, not just direct taxes, that also would be a help.

I have some sympathy for the idea of moving fisheries towards provinces. Section 92 – well, the taxation power; I think local works and undertakings. I disagree that the federal government should have any right to go into a province and declare a work to be for the general welfare of Canada or two or more provinces and thereby take jurisdiction over it. In section 92A(3), the federal government paramountcy on natural resources legislation there: I would say no to that.

Section 102, the consolidated revenue fund to be appropriated for the public service of Canada: I would say that should be restricted to areas within federal jurisdiction.

In the 1982 Constitution, the equalization payments, I think the federal government – certainly that should be a head of power that it has, but the use of equalization payments should be something negotiated between the provinces and the federal government and agreed to on a consensus.

I have some sympathy for the idea of decentralization, as you've probably guessed. I think local majorities are very often very capable of making sound decisions as to the way their future should be developed, and I don't know that we need to rely on the national majority, which to me means southern Ontario, to decide what's best for Alberta.

MR. CHAIRMAN: Thank you.
Fred Bradley; Yolande.

MR. BRADLEY: What is your feeling with regards to Senate reform and the triple E Senate? Do you feel that's a model which we should be pursuing?

MS SHOUSH: Yes, certainly I do, but I also recognize that if we have a triple E Senate, the powers of executive federalism will be diminished, I think significantly. The ability of the Premiers of the Legislative Assemblies to go to the constitutional table will probably then be somewhat diminished, so I think we should take care and remember that.

MR. BRADLEY: I think the proponents of that recognize there is a trade-off in terms of the triple E Senate in that area.

The other question I had was just in terms of the paper which you produced in terms of the federal spending powers. Is that something you're going to leave a copy of with the committee?

MS SHOUSH: I'll get a copy and bring it back, yes. I wanted to get it photocopied before I brought it.

10:00

MR. BRADLEY: I think the committee has the ability to do that here, does it not?

MR. CHAIRMAN: Yes. I think we can look after that.

MS SHOUSH: Okay.

MR. CHAIRMAN: Yes, Yolande.

MRS. GAGNON: Yes, just very quickly. You said that national standards was a bit of a red herring and a way for the federal government to grab more powers. Wouldn't you be concerned, though, if you moved, let's say, from Alberta to P.E.I. or Nova Scotia – they're quite poor, so their standards have gone down – that you couldn't maintain the same level of service, for instance, in postsecondary education or in health? How are we to make sure there are the minimum standards at least?

MS SHOUSH: I think section 36 of the 1982 Constitution Act provides for equalization payments. The federal government can use equalization payments by giving cash grants to provinces to decide their own priorities: not to have direction from the government as to what kind of programs they should be having, but let these provinces decide what their goals are. I think Canadians across the country are going to say that. We are going to demand education, health care, social services. I don't think there's a province in Canada which will say, "Well, we don't want those kinds of things." The electorate will take care of any government that is interested in dropping those programs, and I think they'll set the standards that they feel are right for themselves.

MRS. GAGNON: Okay. You mentioned that you didn't like the use of the phrase "two founding peoples." I agree with you. I heard Max Yalden say at least 10 years ago when he was Commissioner for Official Languages that we should drop that term, two founding peoples, and instead talk about majority linguistic groups, you know, based on the numbers idea and then minority rights within those groups. Wouid you agree that that's a better way to handle the issue of linguistic duality?

MS SHOUSH: No, I wouldn't. I don't think we should even be considering linguistic duality in this country. I think language should be an area that is under the jurisdiction of the provinces. The idea that we should say that there is one language which is dominant and one language which is subservient or a minority language: I don't think there's a place for that in Canada. When European settlers came here, they didn't take into account the dominant language of the day of whatever was the dominant Indian group and say, "Well, right; we'll let you have those rights." In fact, those languages were wiped right out.

MRS. GAGNON: What would you do, then, about educational linguistic rights for any language or heritage?

MS SHOUSH: I would say they belong to the province. Let the province decide. If I go and live in Quebec, I make the choice that I will agree to live under the laws that they have with respect to their jurisdictions.

MRS. GAGNON: Thank you.

MR. CHAIRMAN: Thank you very much for your thoughtful consideration. We would like to have some of your material put forward so we can share it with the other panel, which is now, as I say, hearing presentations in Hinton.

Brian Toole. Welcome, Mr. Toole.

MR. TOOLE: Thank you, Mr. Chairman and members of the panel, and thank you very much for the opportunity to come before you.

I'm here today as an individual, and I'm bringing some ideas. I'm coming to support several of the speakers I heard on Saturday. I thought that there were some very provocative or thoughtful things coming forward. So in my presentation I'm here just to bring some articles and information to the attention of the panel which I think would be of value and I want you to consider.

It may appear to be fairly broad ranging, and I'll get into that, but I'd like to start with a short quote from Robert Bateman. We know that he's a wonderful artist, and I think he also writes some things very well.

> In art and science we are now in a delta, at the end of the long flow of progress. In a delta there is no clear direction but there may be many choices. The best we can do is to enjoy the choices that we have and to be genuinely and creatively eclectic.

The concern that I want to bring to the panel is that I think in your deliberations you should take very much a prospective or a looking-ahead view as to what Canada is going to be 25 and 50 and a hundred years from now. It's useful to look at what has happened before in terms of history, and we must take that into account, but if we chart a course based on past action and past rights and past agreements, that might exacerbate the problems that we have.

So my perspective is a little different from other speakers. I think that the Constitution of Canada has to be very cognizant of what's happening elsewhere in the world, and I would suggest that other nations with much larger populations do have very clear plans as to what they're going to be doing over the next 25 and 50 years. It's really important that we take those into consideration in drafting the Canadian plan or the Canadian agenda.

The value of history. In a broad brushstroke sort of way, I think that our human species has evolved from hunting tribes through city-states to provinces and kingdoms to nation-states and that we're now going into a global reality. I have one quote from Bronowski, a book called *The Ascent of Man*. This is about one fellow who had the right idea but was punished terribly for it, and that was Galileo. In 1633 he came before a committee and said, "I just want you people to look through my telescope. This is the way I view the world." Under duress they took him down to the rack and they said, "No; sign this document," which said:

> . . . to the effect that I must altogether abandon the false opinion that the sun is the centre of the world and immovable, and that the earth is not the centre of the world, and moves, and that I [will] not hold or defend

that point of view. I would suggest that that committee made a major mistake, that the scientific revolution left Italy, that Italy paid a tremendous price for that. I guess the church did offer an apology to Galileo sometime in the early 1980s.

I think I'd like to contrast that to what Elijah Harper did in our country last year. Let's just be very aware of the fact that in much of the world what he did would have been a death sentence. He didn't go along with the powers that be. I guess I'm just bringing that up to compare the history.

I'm confident that a solution can be found for Canada. If we correctly understand the character of this place on the planet and the people that inhabit it here, we can develop a natural strategic advantage which we have here in Canada that no one else on the planet does have. I'm suggesting that what we can do here in Canada is to allow a tremendous, rich discussion and debate to flourish. There are many issues which are difficult to define; they're difficult to bring forward. This is one place on the planet where that discussion and debate should be encouraged.

10:10

Specifically, I would like to bring forward the idea of the fact that most Canadians now live in large urban areas. What's happened this century is that we've moved from largely an agricultural society to an urban society. I just want to draw attention to the panel that a world-class convention was held in Edmonton in 1986 and that the leadoff speaker was a wonderful Swiss architect who threw out some real challenges in terms of the building of convivial, wonderful cities for people to live in. He says three points: for reasons of land conservation and of economy we must build compact cities; for reasons of good function we must build complete cities; for social reasons we must build complex cities. He says a great deal in a few pages in terms of throwing down challenges which I think Canadians should take up in terms of designing really good cities. We can then go and help people around the world build better cities.

In terms of dealing with the difficult issues, I'd like to draw the . . . How's my time? This current issue of *Scientific American*, I think, has a very interesting one-page article by John Kenneth Galbraith, where in an essay he questions some of the great traditions of economics or what has been taught over the last 50 years about the sovereign role of the consumer. He finds that it's no surprise that the people that head up large corporations look after their own personal interest rather than the interest of the shareholders, and he suggests that:

> The self-service of the management of the enterprise, not the service of the public, is the reality that the established doctrine conceals. Economic education then extends that concealment in colleges and universities.

He then talks about the military/industrial complex in the United States and how we thought that the Cold War was over and there was going to be a peace dividend, but the American military/industrial complex paused only for several months and pursued their interest of having another war. He ends this page by saying,

> The pursuit by great organization of its own interest should now be central in our research, writing and instruction. If it is not, we are cooperating in a major and economically, socially and politically damaging exercise in concealment. Of this as scholars we must not be guilty. Rather we should welcome, not without pleasure, the sometimes stinging inconvenience of truth.

I'll wrap up here very quickly, Mr. Chairman. I guess I'm suggesting that I think there are economical, simple ways to deal with the so-called constitutional problem in Canada. I think it's a great opportunity to build a truly wonderful nation. I'm as a Canadian citizen very angry if these negotiations and changes are being done for the short term, the five- or 10-year advantage of certain parties that come to the table to negotiate them. I'm saying that if we don't really struggle and deal with the difficult issues, then future generations of Canadians will suffer from that.

Thank you.

MR. CHAIRMAN: Thank you very much.
Pam Barrett.

MS BARRETT: Thank you, Mr. Chairman. Who do you think should be drafting the next constitutional proposal? Should it be people who already occupy elected positions throughout the land, or should it be people who are elected to a constituent assembly for that specific purpose only?

MR. TOOLE: You're talking about the specific drafting of a document?

MS BARRETT: Yup. Drafting meaning working it out, making the proposal.

MR. TOOLE: I'm loath to have only the current set of politicians be involved in that. I'm concerned that in the drafting of this Constitution we're attempting to do something that was done in France or America several hundred years ago, that somehow in general terms we can solve some problem and therefore not deal in specific and real terms with other problems.

I just would like to speak briefly to one thing that I heard on Saturday about a gentleman coming forward and talking about love. This is just anecdotal evidence; I don't have the source for it. It's about a grade 1 teacher somewhere in the wrong side of Chicago earlier this century who loved her students. Apparently, all of her students turned out okay in life; not one of her students ever ended up in jail.

I'm not really so concerned about who drafts the Constitution; my concern is that they get it right, that they ask the tough questions and deal with the tough questions and bring forward a comprehensive, consistent package to Canadians. You know, we have televisions and fax machines; it's not a big deal as to how we communicate that. We should be able to do that, and if that communication is clearly not being done, I become suspicious immediately.

MR. CHAIRMAN: Well, thank you. I think you're suggesting that the people who draft the Constitution should be people who love the country. You know, Canadians have been very, sort of, reluctant to wear their heart on their sleeves and to take the emotional approach that some did in our hearings, including the gentleman who talked about love on Saturday. Is that what you're suggesting?

MR. TOOLE: I'm not quite clear . . .

MR. CHAIRMAN: By using that anecdote that if you love your country and show it and work hard at it, you'll get the right Constitution?

MR. TOOLE: What I'm saying is that I'm sure people elsewhere in the world must be totally amazed to think that this country is breaking up over some language issues. I mean, it is preposterous. So what I am suggesting here is: are there some underlying assumptions; are there some real scientific issues or social issues which have not been fully taken on? The one example we have in Quebec right now: if they have huge family bonuses because they feel that they have a population problem, I guess I question how that decision was made in that society. To come back to love, I'm saying that this document which is being drafted hopefully will allow for conditions of love and debate and growth to flourish. If it's a comprehensive, difficult document where we need lawyers and specialists, people who, in our society, are not trained to deal in love, it's going to fail. I mean, there is a hazard here; there is a very real hazard.

MR. CHAIRMAN: Thank you.
Fred Bradley, quickly.

MR. BRADLEY: Just a quick observation and question. The Canadian constitutional tradition has been one of evolution. We didn't have a war to found our nation; it's been an evolutionary process. Both the American and the French nations were born in revolution, and their constitutional processes were revolutionary. So I guess the question is: should we continue on our evolutionary process, which is debate, discussion, and agreement, or should we throw aside what we have and move in a revolutionary process, which I think is one of the alternatives many are suggesting?

10:20

MR. TOOLE: Well, I think that's a good question. Have there not been some revolutions? Have the Parliament Buildings of Canada not been burned, and did we not have a Riel rebellion? I guess I'm suggesting . . . And did not Trudeau send the army into Quebec? I think Canadian history has to be looked at and examined in terms of if we've had peace, order, and good government. We haven't had an American type revolution, but I would suggest that it hasn't been an entirely peaceful history.

MR. CHAIRMAN: Well, thank you very much. I do think you should recall that the Parliament Buildings were burned all right, but it was an accident, not a result of an overt act.

MR. TOOLE: Okay.

MR. CHAIRMAN: Thank you very much for your presentation.

Albert Opstad. Welcome, Mr. Opstad. I know you sat through Saturday and listened to us. Welcome to give your presentation now.

MR. OPSTAD: Yeah. In fact, I listened Friday to a certain extent too. I want to thank you and all the members of this board for giving me this opportunity. Also, I hope the public behind can hear me okay. If you can't, make a noise. I've written my brief. It'll take me nine or 10 minutes to read it, so I'll just do that for you.

Re Alberta in a new Canada, we face a great challenge, but we also face a great opportunity. We should listen to what all Albertans have to say and not just to those with eloquent briefs or speeches. We should not select only those briefs which espouse our own views or listen only to those who similarly espouse our own views in speech. We should do everything possible to assure that everyone gets the fullest opportunity to speak or to present a brief.

It's time that we the English-speaking majority stand up and start running this country. We must immediately stop allowing our Francophone minority to run this country, to create all our laws and then translate them into improper English for us. We must immediately stop allowing our Francophone minority to stampede us around as we are allowing them to do now.

My major concern here is that the Alberta government shows it is prepared to give away to Quebec much more of Alberta than is fair and also apparently much more than Albertans want. The Alberta government should not continue to push its own views. It should wait until all Albertans give it direction. It should not push unity, nor should it go around saying that those who do not push unity are really bad and want to do something really bad like tearing Canada apart. The Alberta government should stand up for Albertans and not Quebeckers like it is doing now. The Alberta government and many Albertans have said that they have a breaking point as far as the Francophone minority goes. None of them have stated where this breaking point is, very likely because they have not determined where it is. I will suggest where this should be.

The breaking point should be at the line that divides fairness from unfairness. Here are some examples. Since immigrants can live anywhere in Canada, it is clear that immigration should be more a federal matter than a joint federal/provincial matter. Agriculture can be made solely a provincial matter and need not be a joint federal/provincial matter. In immigration Quebec wants to have 5 percent of the total Canadian immigration added on to what its population percentage is. This is unfair and should be canceled. Quebec wants lower standards for Francophone immigrants than Anglophone immigrants. This is unfair. The total number of immigrants allowed into Canada each year should be made up from inputs from the provinces. Although based upon inputs from all provinces and territories, the final total should be based upon each province being allotted exactly in proportion to its population, no more and no less. If there's any problem with this partial federal/provincial proposal, then make it clearly federal.

The federal government should not be allowed to make any bilateral agreement with any single province. No such agreement should be allowed until all provinces analyze it and sign it. There should be no specific effort to maintain Canada's Francophone content at any particular level; rather, natural forces should apply. The subsidization of the production of Francophone babies in Quebec is unfair and should not be allowed. Quebec now gives $500 for the first baby, $4,500 for the second baby, and $6,000 for the third and subsequent ones. This is unfair and must be stopped, as it can be. Quebec should not be given 48 percent more of Canada's milk production. This is unfair. Some experts say that Canada was never legally created, so it cannot be torn apart nor can there be a divorce. We know our history well; it's bad because we have allowed our Francophone minority to write it. We the Anglophone majority must now produce some good history and create some good new history. Canada now needs a new Prime Minister, a western oriented Anglophone.

Quebec does not allow English signs. This is unfair. Quebec calls its provincial Legislature a National Assembly. This cannot be allowed. Quebec calls its Premier a Prime Minister. This cannot be allowed as well. Perhaps we should subsidize Anglophones who speak French but not Francophones who speak English. The fact is that there is normally no need for Anglophones to speak French, while there at least appears to be a normal need for Francophones to speak English, and in fact the overwhelming majority of Francophones do speak English. Air Canada stops at Toronto and the Quebec border and is replaced by Francophone Rapid Air. This must be stopped.

The 1980 Quebec referendum showed that 40 percent wanted to separate from Canada and 60 percent wanted to stay in Canada. Francophones have said that in fact the Francophones were split 50-50, and this would seem accurate. We must immediately put pressure on Quebec Francophones to make up their minds to leave or stay. We should not wait for some 1992 referendum, because it may well yield at least or near the same 50-50 split again.

If Francophone Quebeckers decide to leave, then we'll have to decide what part of Quebec or what piece of land they will be allowed to take. In this regard I've prepared ultimatums to put to Quebec on their possible desire to separate, and they are as follows. Obviously, Quebec wants to be a sovereign nation or near that, so transfer payments out of Anglophone Canada are stopped completely. Francophone Canada takes its share of Canada's debt and states what it will take. It creates its own money or uses that of France, the U.S.A., or some other country but not including Canada. What part of Canada does it want to take? Quebec alone or part of Quebec and New Brunswick and Labrador or what? Canada would want to use the St. Lawrence Seaway and have some landing spots on the north and south shores. They should answer on giving up the north shore completely to provide a land route between Ontario and the maritime province remaining with Anglophone Canada. What is proposed in regards to Anglophones in Quebec and Francophones in Canada? What are its offers on Quebec and Labrador hydropower? The present veto Quebec has on immigration should be immediately canceled; it is unfair.

10:30

Now, this is on a little different topic. Electoral boundaries in Alberta should be immediately revised to agree with one person, one vote to an accuracy of at least a random plus or minus 5 percent.

I have noticed that the leaders here ask certain typical questions, and I shall answer the few of them that I can recall. Firstly, we have to establish: is Quebec in or out? Quebec does not now come to the table to discuss things; we have to push on without them or consider them to be standing on the sidelines. We have two responses for the two cases, so for efficiency we must push Quebec to get all the way out or all the way in and let the chips fall where they may. Re Quebec's 1978 Cullen Couture immigration deal, I believe in the supremacy of God and the rule of law. I believe in honouring deals. However, this deal should be thrown out on the basis of the supremacy of God. It was improperly made by a Québécois, a Quebec type Prime Minister who does not properly represent Canada, particularly its English-speaking majority. Also, we were not asked, and we did not give the Prime Minister the authority to make the deal on our behalf.

Should education be provincial as it largely is now, or should it be made federal? If Quebec stays, they will be venomously pushing for it to be wholly provincial except that the federal government shall pay the costs. If Francophone Quebec separates, then it's a whole new ball game. For education to remain provincial is okay, but we want uniformity and transferability. So we can all sit down and in clear English language decide whether we want it to remain a provincial responsibility or whether we want to make it federal or joint provincial/federal.

I could not hear all the submissions because prepublished schedules were not adhered to and everything was too crowded and rushed; i.e., the initial 3 to 5 p.m. meeting starting on Friday was added later, we went past the scheduled 10 p.m. closing time on Friday night, and there was only a half hour lunch break at noon on Saturday. We must stop allowing ourselves to be stampeded around. We are talking about our Constitution, which is for all of us. It took us a long time to get to talk about it, so we should not rush it now.

For a closing comment, let me say that the giant, Canada's English-speaking majority, is now very much awake and is now rising, and it's about time for all of us.

Thank you for your kind attention. This concludes my brief, except that I was asked one important question that I have not answered in my brief, so I'll answer it briefly and quickly here. The question asked of me was: who should write a revised Canadian Constitution? My answer, in a very, very abbreviated form, is that all Canadians should write it. Should there be any further questions on this subject or any other, I'd be happy to try and answer them the best I can.

MR. CHAIRMAN: Well, Mr. Opstad, you've given us your views very clearly. I've never had any problem flying Air Canada into Quebec, but anyway maybe that's one of the myths people hear about.

Any questions? Well, thank you very much for coming forward.

We're trying our best to accommodate extra people, and we did add some extra hours to the day last week, it's clear. You can't always advertise the changes, as was the case this morning. We didn't advertise extensively on this morning's opportunities because we didn't have the time to do so, but we certainly let people who wanted to make their presentations know that now was the opportunity to do that.

Vilma Betts.

MS BETTS: Good morning. Bonjour. Buenos dias. Ohayoo gozaimas. Namaste. Han bu han. Paifen. They all mean the same thing, good morning, in seven languages. I come here first as a human being. My loyalty as a citizen is to the Canadian nation.

Mr. Chairman, committee members, fellow Canadians, I come to bury greed, not praise it. I indeed appreciate this opportunity, a captive audience of politicians listening to me. Thank you. However, I've had some misgivings. Is this the beginning of a histrionic act on the part of the government to look good, to get votes? Is it mere cosmetics? "For this one occasion we'll assume the posture of democracy, listen to the tiny little people. See how nice we are?" Are you going to listen to our suggestions? No. Are you going to heave our suggestions into one of your gold-plated wastebaskets? I hear Mr. Mulroney's deep, booming, derisive laughter. Anyway, give it a go, I tell myself. Maybe, just maybe, somebody out there is listening. Thanks again.

I represent myself, a human being. I speak as a Canadian citizen of 41 years, a citizen of this great country. I will dedicate this presentation to the memory of Richard Cardinal, a 17-year-old native youth who so gallantly wrote a short statement of his condition and circumstances. His letter was published in the *Edmonton Journal*. Please read it. Please see the film in the National Film Board collection. I pay tribute also to our native brothers who extended their ill-repaid hospitality to European adventurers. History is bizarre; however, I acknowledge my debt to the European pioneers of this country who also made it possible for me to be here.

I will now tackle a few amendments to the Constitution. Number one, I am deeply concerned with the powers and responsibilities of the Prime Minister. I was disagreeably surprised when our present Prime Minister did not recall Parliament prior to so enthusiastically jumping into the Gulf war. According to some research I hurriedly did yesterday in – let me see – I think it's called the . . . It's the Constitution . . . Yes, the reference is here: Parliament scrutinizes the cabinet, which is responsible to the House of Commons; see page 715, section 1105, under duties and responsibilities. I ask myself, was the House of Commons negligent in not demanding to be recalled? I remember vaguely that Parliament had been recalled when a couple of boatloads of Sikhs, or maybe south Asian people, landed off the maritimes some time ago. I want to recommend that powers of the Prime Minister, the cabinet, and the House of Commons in cases of extreme emergency – for example, war – be more clearly written down and delineated in our written Constitution.

Number two, Quebec: I have lived five years in Quebec and loved it. While I personally would like Quebec to stay within Canada, I realize there is little I can do about it. It's up to the people of Quebec. Quebec has all the elements necessary to be a separate nation: language, laws, culture, educational system, health care, professional and technical expertise, et cetera. I must admit, by the way, that so has each of our provinces. So what is binding us together as a nation, as Canadians? We seem to have lost that good old mosaic glue that was supposed to stick us together. A badly chosen metaphor, by the way.

10:40

Number three, I want to recommend a new election formula. I must state clearly and loudly that I am equally not a feminist, I am not a 'masculinist'; I am a mere human being of the female persuasion and a heterosexual, inactive currently. However, in each riding in Canada there should be two separate lists of candidates: one with males only and the other with females only of the various political parties. Each person who votes should have two votes: one for a male, one for a female. I would also recommend that at least two-thirds of the elected women be either married, have been married, or have borne children, because I think this has important implications for the sort of social and economic situation of mothers and children, who are very necessary for the continuation of our nation. In short, the eventual result is to be two people elected for each riding: one male, one female. To me it is strange that as Canadians in this huge country we are not reproducing ourselves.

Number four, Canada's armed forces. Now, I'm on dicey grounds here, but I'll leave it to the experts. Canada's army should be converted to a national and possibly international defence force. Japan currently has a huge defence force; it's not called an army.

Now, another topic of mine is with regard to labour. My position is that everybody is equal. Every Canadian is entitled to adequate food, housing, clothing, education, health care, and, after 18, a life-supporting job. With Canada's resources this is possible. The Japanese do it with a couple of islands maybe one-third of the size of British Columbia and with very few natural resources. May I say in passing that I think they're no brighter than we are, but I think we are not as a society utilizing the intelligence of our really topnotch people.

As recently as 1988 Canada wanted to buy several radarless nuclear submarines at a cost of $9 billion. Now, to me this is madness. First of all, who do we need nuclear submarines against? Maybe the Americans perhaps, but they're just next door, and we can go there on foot. Now, surely we can wipe out poverty in Canada for the cost of much, much less, and the returns in intelligence and enthusiasm utilized will be, you know, 10 or 20 times the $9 billion.

Number two, full employment is possible. Japan's unemployment rate hovers around 2 percent. Until full employment is attained, I suggest that we establish actual unions of the unemployed to act as pressure mechanisms for the government to demand and ensure full employment for all Canadians.

Number three, another idea. If necessary, the current workweek should be declared to be 30 hours. This will make slots for people to enter the work force. Now, the last time the workweek was sort of established or structured into the labour system I think was in the 1900s. Well, it was then 40 hours. We are not taking cognizance of the fact that there is a great deal of automation now, and we are entering that, shall I say, science fiction area of robotics. More further on.

Let me speak of the good spin-offs. There are numerous good, vital, profitable spin-offs from full employment. One, hope and stability. A person can, then, live in the present and plan for the future. Young people can fall in love, make commitments, and establish homes and families, which will also be very good for the construction industry. Number two, there will be constant mental stimulation, even with job changes. Number three, with money coming in and shorter workweeks, people can enjoy recreation outdoors. This is good for the recreation and tourist industries. There will be tremendous sales of outdoor gear, sports goods, skis, canoes, et cetera. It will be very good for ecology also. People will then have a visceral identity with the land, the river, the seas, and the mountains, like our natives do.

I would suggest to the powers that be, labour or the political parties or research institutions: study the whole item of robotics. Get your research departments to study the current state of the art and the implications thereof. Then adjust work hours and work conditions accordingly.

Education post high school, in fact all education, should be free to Canadian citizens.

I want to deal now with a very touchy subject, because I really have no big numbers to go on. The reason I'm into this is because I think it's a very important factor. That is multinationals and their role in Canada. It's amazing how cleverly the multinationals use a metaphor to their own advantage. Actually, we should beware of metaphors which are merely amusing comparisons to a real entity. Take, for example, "global village." This, I presume, was well meant, implying: "Isn't it cute. We all live in a tiny village where we know the butcher, the baker, the candlestick maker. We know everybody's business. We gossip over the back fence." Et cetera, et cetera. However, it seems to me that this has been subtly converted by the multinational corporations, which contain varied monopolies within themselves – another big topic – to mean: "Aha; global village. Hey, Brian, how about global pillage? Right on."

10:50

When the lone journalist attempts to perform investigative journalism, injunctions and fines and apologies are demanded and/or imposed. I must admit I'm a nonprofessional but a great reader. I speculate and offer this as a hypothesis. In most cases politicians are mere puppets of multinationals and do their bidding. Another speculation: I imagine that the multinationals think that governments are merely there to keep order and stability and provide a cheap as possible labour source. If I'm wrong, please correct me and give me guidance. I speculate also that the multinationals can buy all the communications experts and PR people, et cetera, they need to bamboozle the public. As one PR person said, "You can fool all the people all of the time; just give me a big budget."

At this stage of my presentation I wonder: why am I tilting at these windmills? What am I getting out of it? I, a powerless person, hope that others brighter and more influential than myself will pick up the ball and run with it.

Now, Alvin Toffler, I think, is a little meddler and causes a lot of trouble in the world. His latest book, *Power Shift*, on page xix says – and if what he says is true, there seems to be a concerted, managed, planned attempt to literally decimate Canada. Toffler says

> that individuals, organizations, and even nations can be overloaded with too much change too soon, leading to disorientation and a breakdown in their capacity to make intelligent adaptive decisions.

I personally think and feel that we in Canada are being subjected to this chaotic state right now. We need time out to think, to ask why, to ask ourselves who is doing this to us, to decide what we the people want to do.

MR. CHAIRMAN: Ms Betts, your 15 minutes have come and gone. Perhaps you could . . .

MS BETTS: Can I take the five minutes left over from the last fellow?

MR. CHAIRMAN: I think if you could perhaps bring your . . . I don't know how many more pages you have there.

MS BETTS: I wonder, could you answer my question, please? Could you give me the five minutes?

MR. CHAIRMAN: Well, no. You have 15 minutes, and you're over your 15 minutes now.

MS BETTS: Yes, but he is people and I am people, and I want to say this. Can we ask the group?

MR. CHAIRMAN: Would you please bring your presentation to a conclusion as quickly as possible. I'm not trying to cut you off entirely, but I'm just reminding you that your time has expired.

MS BETTS: The complete 15 minutes, no time for questions?

MR. CHAIRMAN: Well, you had 15 minutes, and you've used it. Now, if you'd like to quickly bring your . . .

MS BETTS: Sir, you are being extremely bureaucratic. Anyway, thank you for at least giving me this. I'll write it and shoot it off to you people.

We are currently witnessing and experiencing the inappropriately named free trade. Free for whom? I hear tell that lots of our modern-day slaves will have to move down to Mexico to get jobs. Of course, they have to work, as is usual business practice, at the going rate. The job providers have to watch the bottom line, of course. This is the bottom line.

If anybody wants to ask me questions, I don't know, maybe I'll give a short answer.

MR. CHAIRMAN: Thank you very much.

Yes, Mrs. Gagnon.

MRS. GAGNON: Thank you. Just very quickly, as someone who speaks at least part of seven languages, do you have any opinions about the present multicultural policy as practised by the federal government?

MS BETTS: Yes, I do. I think it's a very subtle form of ghettoization. I think maybe the intent was good, but the results are terrible now. They're going to be terrible because people no longer talk to each other. They're no longer Canadians but live in little ghettos of their own.

MRS. GAGNON: Thank you.

MR. CHAIRMAN: Pam Barrett.

MS BARRETT: Thank you. You offer a very thorough critique, I think, of certain government policies and the effects that they've had on Canadian society. I wonder – and this may have been dealt with in your remarks for later on – if you've thought about any sort of constitutional measures that could be taken that would result in some of those measures not having occurred? You talked about, you know, the House not being recalled before Canada entered the Gulf war or the free trade agreement or things like that. Are there any constitutional changes that you can think of that would make the system more accountable?

MS BETTS: Yes, I think so. I think, as I said in my suggestion there, the experts and people who are knowledgeable should get together to write in. You know, there's subtle intimations there. Okay, it was Mr. Brian Mulroney's choice. I'm not sure. You see, it's a very, very vague thing. I did take a course in political science, you know, in Canada years ago, which is miniscule. I was really and truly surprised that with all this time available to him he did not say, "Look; a lot of killing is going to be done both on our side as Canadians and by other people. They haven't attacked Canada. There is no way Iraq has attacked Canada as far as I can see. So let's decide why we should go in there. You know, I don't have all the information. Let me recall Parliament, which represents the people, because they have doubts too. I'm sure I'm not the only person who has doubts about the situation. I mean, the Americans, okay, they can do whatever crazy thing they want. That's their privilege. But I am a Canadian, and Parliament represents me and represents people."

I went yesterday to read the Constitution, this part, and there was a quote that even though Mr. Mulroney as Prime Minister is part of the cabinet, cabinet is responsible to the – what you call it? – House of Commons. So I think, working backwards, the House of Commons should have demanded that, say, "We as a group demand to be recalled." Now, how can this be put into law? Those are the implications I derive from reading that part of the Constitution. Right.

MS BARRETT: Thanks.

MS BETTS: Yes.

MR. CHAIRMAN: Mr. Hawkesworth.

MR. HAWKESWORTH: Thank you, Mr. Chairman. Maybe not so much a question as I'd just like to encourage you, Ms Betts, to finish. At least put it in the form of a written brief to us. I think all of us would really appreciate getting that from you. I know you've put a lot of work and thought into it. I really don't want to miss the other points you want to make, and maybe just make a suggestion that if we decide as a committee to conduct further hearings, there might be an opportunity then for you to come back and express some of those views verbally to us.

MS BETTS: Yes. Again I want to thank you. I think this is just the beginning, and I hope it's not only a one-shot affair. I wasn't going to come, but I thought, well, it may be the last chance I have to speak as a Canadian as I understand it. I want to say that if anybody has any questions, I gave my phone and my address to the receptionist. Write me, ask me, or invite me to come before you people again, because I feel it's very important.

MR. CHAIRMAN: Thank you very much for coming forward. We appreciate your comments.

I just want to alert you and other members in the room to the fact that at 11 o'clock they're going to have a fire drill in this hotel. The bells will ring, I'm told. That should be in a moment or two. That does not mean, however, that we have to vacate the room, because it is only a drill. So don't be alarmed when you hear that, if indeed it occurs. That's the advice we've just had.

Bill Dupont.

That's not the fire alarm, I guess. Now we're all sitting wondering when the bells are going to ring.

MR. DUPONT: Nice to know that when we talk, we get the attention of bells . . .

UNIDENTIFIED SPEAKER: And whistles.

MR. DUPONT: That's all right; whistles.

It's not my attention to present a brief. My whole reason for being here was the result of believing that there would have been an opportunity at the conclusion of last week's briefs to speak at the microphone.

11:00

My big impression is that I congratulate you good people on your tenacity. I do believe that what is being presented should be presented. I hope what I have to say is very brief. It has to do with: if our Constitution is tied to our economy, the word "economy" meaning a level playing field, what chances has our competitiveness as far as in a world situation?

Apparently, Mr. Mulroney, our Prime Minister, confided one time to Mike Duffy, a columnist – I guess this encounter was in the hallways. "Mr. Mulroney, what is your biggest problem, having been a Prime Minister for this length of time?" The response: the bureaucrats. It would appear as if there was stonewalling. If this is the case and they in fact are leading our country, or the union individuals that provide this kind of thing are leading our country, I think we have a problem.

Now, if government is to be big business, I do believe business thrives on productivity. This has always been my premise: productivity drives business. I do believe competitiveness is an essential part even in business having to do with those who are bureaucrats. If in some way they can be on a contract and it's a five-year type of contract, it should be open, I believe, to anyone qualified for this kind of position. There are those in this beautiful position at this point in time who indicate that surely they could do better in private industry. Well, of course, the obvious is: let's give someone else a chance. The fact is that I believe a five-year type of employment contract is open to surveillance, but those individuals who are doing the surveilling are under the same kind of situation. They must be qualified and competent as well. Again, the same rules apply, namely five years.

The other topic I have has to do with the Senate. It is my belief that if it has any good intentions, where are they? It is obvious that the dodo bird has become extinct, and it may very well be that something like this should occur with our Senate.

A final point – and I believe this is all part of our Constitution – is along the line of capital punishment. There was a time when committing this kind of event – namely murder, taking away another person's life – was dealt with with finality. We have, I suppose, become a soft touch, maybe too soft a touch. I think we're just too soft a touch for a number of people not necessary of our society, namely Canadians. If there's an answer, I think one of the answers could be the amount of money that is spent for incarcerating these individuals who are convicted killers. It may very well be that for those individuals who believe they should be permitted to live or permitted to be incarcerated, it's an expense, a luxury we as Canadians are having problems trying to afford. I'm of the opinion that possibly there are those who would take $50,000, $60,000, or $70,000 and in some way rehabilitate them in their home. Certainly I think we as Canadians would be ahead financially, and in the event these individuals were a failure in their rehabilitation, then there could be a real accounting.

That pretty well sums up my comments. I do thank you again for being here.

MR. CHAIRMAN: Thank you very much, Mr. Dupont.

Are there questions? Yes, Pam Barrett.

MS BARRETT: Just one respecting the Senate. I caught your suggestion about the five-year contract term for the Senate, but there are other proposals as well. Are you open to any kind of Senate reform you can get right now, or do you have a preference to abolish the Senate?

MR. DUPONT: I believe that if the Senate can be meaningful, let's have some evidence. This five-year contract, I think, can apply to those individuals. I have no idea what the top bureaucrat in Canada receives as an income, a stipend or whatever, but if they believe they're entitled to it, we should get some productivity. Somewhere along the line there are individuals . . . [A bell rang] It's all right; I've gone through fire drills before.

MR. CHAIRMAN: If you'd like to just wait while this concludes, we can perhaps take a little break from our discussions, because it's hard to hear or think when this is going on.

MS BARRETT: I think I caught what he was saying though.

MR. CHAIRMAN: Okay.

MR. DUPONT: Should I continue?

MS BARRETT: I caught most of what you said.

MR. CHAIRMAN: Okay. Now . . .

MR. DUPONT: I think I have pretty well reiterated my beliefs on this five-year contract business, and as I have indicated, there is no reason why . . . In New Zealand I do believe they have some kind of situation they have imposed, and it seems to be doing very well. One thing they have made some observations about is that their administration was tax driven. In other words, it was too tax driven. So the idea being to in some way make it just a little more so we can have a level playing field here in Canada.

MR. CHAIRMAN: Thank you very much. I'm sorry for the confusion. You've carried through quite well with your thoughts.

Dr. John Newton. Dr. Newton, if you'd like to wait until this concludes to make your presentation, we could take a brief break.

DR. NEWTON: Well, Mr. Chairman, I have two hearing aids, and this is really difficult for me. Perhaps we could have our coffee break now and come back or something like that.

MR. CHAIRMAN: I think we'd better take a break until we know how long that disturbance is going to go on.

[The committee adjourned from 11:07 a.m. to 11:19 a.m.]

MR. CHAIRMAN: The bells have stopped ringing, I hope, and Dr. Newton would like to make his presentation. I ask the panel members to return to the table.

Okay, we'd like to get going again. Dr. John Newton.

DR. NEWTON: Thank you, Mr. Chairman. I appreciate the opportunity to contribute as a citizen. I shall speak directly to the paper I presented in advance and then will be happy to answer any questions.

My main purpose in being here, I think, is that I wish to respond to the visits of our Premier, Mr. Don Getty, to Quebec telling them they had better stay in Canada or else, or words to that effect. I don't believe he had a mandate to speak this way on behalf of Albertans, and he doesn't speak for me.

I would like to put the question – I agree that it seems to be heretical in many places, but I'd still like to put the question – if Quebec must leave Canada, why can it not do so with our blessing? Are we so enamoured of our constant fighting with Quebec that we cannot bear the thought of life without it? If Quebec is determined, what do we do? Send gunboats down the St. Lawrence and troops from the hinterland? If, on the other hand, a sullen Quebec is persuaded by threats of retaliation and isolation on the North American continent to reluctantly stay in Canada, assuming that they are prepared to accept yet another humiliation, can you honestly believe we now have the basis to build the true north strong and free, the kind of Canada we want?

On the other hand, if the price of keeping Quebec in Canada is to make them a sovereign nation in all but name – which is certainly the way I interpret the Allaire report and other statements that have been bandied about – but with full privileges of Canadian citizenship, including parliamentary seats and existing vetoes, why is this superior to negotiating with an independent Quebec on a mutually beneficial basis? Now, maybe there are good reasons, but I'm putting the question as a citizen. I don't understand why that should be considered superior to this awful idea that we can't possibly let Quebec go and have to do everything possible to keep them in.

The western Premiers have been quoted as saying,

> The economic association proposed after separation by the Quebec government is clearly incompatible with the interest of Western Canada.

Here I'm referring to the presentation you have by Professor Meekison. It is not clear to me. In an age of free trade and common markets, the General Agreement on Tariffs and Trade, the multinationals, the International Monetary Fund, et cetera, I cannot believe that trade with an independent Quebec should be that difficult. In my view the price of keeping Quebec in Canada has been exorbitant; it's been nothing less than the paralysis of Canadian politics. For example, I believe full recognition of the rights of Indians and Inuit and the right of northerners to full provincial status at their choosing would do more to firmly establish Canadian sovereignty in the north than all the atomic submarines we could possibly afford.

I believe that most Canadians like a Canada-wide pension plan and Canada-wide medicare and are irritated by interprovincial red tape. I believe they want Canada-wide environmental, education, and social standards which would in no way prevent any region exceeding these standards. I believe a vast majority of Canadians put Canada first and their provincial allegiance second and would be happy with regional safeguards. For example, the maritimes, Quebec, Ontario, the western provinces, and the north would be happy with a reformed Senate with equal regional representation and vetoes without insisting on so-called equal provincial rights. The problem – at least the problem for me – is that I do not believe we really know, because the debate has been so dominated by how to keep Quebec happy, which incidentally we're singularly unsuccessful at doing in spite of the emphasis, and at the same time how to make sure they don't get anything we don't all get. I think as we debate these two issues, the question of "Well, if we had our druthers, how would you like to run Canada?" seems to have gotten second place, and that's what we should really be trying to debate.

Because of this dominance of the debate we have not had the chance to look at our own priorities. With or without Quebec we still have regional interests to consider. I've been in this country since '52, and hating Toronto has been a national pastime at least since that time if not before. So it's not just the Quebec issue, but it's dominated by it. I think if we can de-emotionalize that issue and then say, "Well, how do we, in fact, protect our legitimate regional interests?" we'd have a better chance of doing it. With or without Quebec, we still have regional interests to consider, social programs and medicare to finance, a recession to conquer, and our first peoples looking for justice. We still need to establish the rights of French Canadians arising from their contribution to our history apart from any Quebec consideration. I'm always upset with this tie in that it assumes we're conceding to our French Canadian citizens in Alberta, for example, as a concession to Quebec. In fact, the French Canadian . . . You don't have to go much in the east; you know they built west as well as Quebec and have their own entitlements to it. But again, we don't discuss it because it always seems to be dominated by this Quebec issue. I am no expert in these matters. I'm just a citizen giving an opinion.

Since coming to Canada in '52 I've been impressed with our ability as Canadians to solve problems and reach effective compromises. I must therefore ask myself: what's the difficulty? Where's the bind? We seem to be in one. I have concluded that it's the domination of national politics by the alleged need to keep Quebec in Canada at all costs, which brings me back to my original question: if Quebec must leave Canada – and notice I say "if" – why can't it be with our blessing? Accepting this proposition would allow us to proceed more positively to establishing our own priorities, which is precisely the message I hear loud and clear from Quebec: that Quebec will decide what we want, and they are telling us, and the rest of Canada should be deciding what it wants. I say a big amen to that. I notice, Mr. Chairman, in your own summation here a quote from Lise Bissonnette, publisher of *Le Devoir*:

> I would like to see develop in the rest of Canada a constitutional agenda of its own . . . that's exactly what Quebec is doing right now.

That's just typical of the colour. I think they're inviting us and telling us what the rest of Canada really would like Canada to be, and then we can come to Quebec in a more positive way.

Furthermore, we still have to debate what goes if Quebec goes. Do we assume they take with them Ungava Bay and James Bay or the original watershed of the lower St. Lawrence? I put in a map briefly summarizing the history from '82 to 1931. The expansion of Quebec into the north was their natural share of Canada's development as a nation. It can't, in my view, be automatically assumed to belong to an independent Quebec. What should be the status of Indians and other minorities? What options should be given to them? How would we divide the national debt, the national properties, et cetera, et cetera? I think an intelligent discussion on these lines rather than making empty threats to Quebec, and saying, "Well, okay, if it's your choice" – we've got all kinds of things we have to go into, and it just may be, as I make my final point, that if we have frank dialogue in a positive, noncombative atmosphere, we might find we all would be a lot better off trying to solve the problems within Canada after all, maybe giving us more chance to stay together.

I think in summary I would say I am a great believer in the ability of dialogue to achieve solutions. I am not at all a believer in threats and counterthreats and closed-door negotiation and trying to pull a fast one, which is what I think basically the Meech process was all about. The idea of "Well, if we could only just do it" and then we wake up and find, "Well, the Constitution's it; it's a fait accompli; we'll all learn to live with it": I think that's the wrong way to solve problems.

MR. BRADLEY: In your presentation you've raised a number of different issues, and you said you didn't see gunboats on the St. Lawrence River. What would you suggest Canada's approach would be if out of the referendum process there was a unilateral declaration of independence by the province of Quebec which included the present territorial boundaries of Quebec? How would Canada deal with that type of declaration by Quebec?

DR. NEWTON: Well, first of all, I think Canada could use the Quebec precedent that at their own volition – then I think it's reasonable to expect that parts of Quebec should have the same rights for self-determination and decide whether they want to go on with it. I certainly think that's true of largely Anglophone areas of Quebec, for example. I've heard of areas of Quebec that are already making noises to this effect. You know, Canada has been a country for long enough that Canada as a whole has a lot of obligations in Quebec, certainly to the Anglophones there, certainly to the Indian populations, and certainly to northern Quebec, and I think we should say, "If you go, we have rights and privileges, too, that we have to honour." I think we can put a little pressure on Quebec and say, "Well, if you just take off and run and take the whole thing, you may not be happy with your own separatist problems you're going to get within your borders."

11:29

Now, I suppose to pursue it in a technical way, gunboat diplomacy or not, we may have to decide how far we would go, but the kinds of things I hear coming from Quebec, if we are to believe some of the spokesmen of their opposition anyway, is that they would like to leave in order to get out of our hair and establish their priorities but would like to work with us. So I think I'd rather pursue it on the basis that they're trying to work out how they'd like to live on this continent in as positive a way as possible, and if that is so, surely that gives us lots of levers. If they're talking about they'd like to carry on trade as usual, things like that, that should give us lots of levers to make sure our legitimate interests in Quebec as Canadians are fairly represented.

If you push it to the conclusion of confrontation, I guess I'd say I really don't know how we'd all end up if both sides just keep pushing. I see so much scope in the more positive atmosphere of working things out that I think we can try and work on the assumption that that won't happen.

I hope that's a reasonable answer.

MR. BRADLEY: Well, I would hope we would be doing such a disentanglement or separation on the base of negotiation, but there is always the prospect that just the discussion on territory could result in some very firm positions being taken on both sides, expectations by the legitimate governments on both sides to pursue those to the fullest extent, which could result in some confrontation at some point.

DR. NEWTON: Oh, yes, and I have no objection to my Premier reminding Quebec and saying, "Look, if you separate with all the best will in the world, you may solve one problem; you may create more problems than you're solving." Trade and monetary policy and managing of the debt and establishing interest rates and so on are complex enough even within a country. We've seen the problem of how to decide powers and interest rates and so on when there was an overheated economy in Toronto and we were looking for more investment. So naturally these problems are going to be even more when you're dealing with an independent country. I have no objection to Premier Don Getty reminding people of that if that's what he's saying. What I don't like is hearing comments, maybe an interpreter saying, "Well, if you go, we're going to put the screws to you; we're going to make it as hard as possible for you." Now, maybe I'm misreading the Premier, but certainly I've heard people around this conference more or less expressing that kind of view, and this is the view I don't identify with. As a citizen I say no, I don't agree with that. I don't think that will give the best results for Canada.

MR. CHAIRMAN: All right. Well, thank you very much, Dr. Newton. Your time was precise, and thank you very kindly for coming forward and for being patient and listening this morning as well. Sorry about the bells, but we finally did get you heard in a calmer mode.

Don Cruse.

MR. CRUSE: Thank you for this opportunity to address you. I do so as an individual, and indeed individualism is one of the main themes of what I want to say to you. I have already submitted my comments in the form of a brief. Because of the shortage of time perhaps I will just quote from the brief rather than read the entire thing.

I must mention that when I left the house this morning I left my reading glasses behind, so you must forgive me if I squint.

I'm concerned about the tension that has developed in Canada between the so-called rights of collectives and the rights of individuals. This is a theme that I wish to address. We are born and raised within collectives or groups, groups which are chiefly defined by race, language, or religion but which may include other aspects of human culture. Our membership in such natal collectives is determined for us by our parents and by the adult community. As we grow older, however, we increasingly choose our own affiliations, and many of the collectives we are born into begin to exert diminished control over us. We are becoming individuals.

It is as individuals first and foremost that we are citizens of Canada. Indeed that very lack of identity that so many Canadians have thought of as a weakness is fast becoming our greatest strength. We are emerging on the world stage as a nation of individuals. It is as a nation of individuals, perhaps the first such entity in history, that we have a task to perform for the rest of troubled humanity, a task that perhaps only we can achieve and then only if we clearly understand it.

Let me say what I think that task to be. Our membership in groups was and still is to some extent a source of political power. Times without number in human history we have seen political power, whether democratically or otherwise obtained, used to oppress and repress other racial, cultural, or religious collectives who have the misfortune to share the living space of those who hold and wield that power. As a result, all over the world today people are becoming increasingly sickened by the abusive use of political power in the name of some racially or culturally defined collective. In the final analysis it does not matter whether the collective in question represents the majority in a given society or the minority, as in the case of South African apartheid. Tyranny remains tyranny, and the formula that creates it is always the same. It involves the identification and singling out by government of some culturally defined group for the purposes of giving them special treatment, whether it be good or bad. If the treatment meted out to them is bad, the members of the group will suffer. If the treatment is good, the members of all the excluded groups suffer. In either case the principle of equality, so vital to social justice, is ignored and that of selective discrimination put in its place. We see on every hand today that culturally defined groups as groups are generally suspicious of each other's motives and intentions and tend not to relate at all well with each other.

Individuals, on the other hand, whose roots and affiliations belong in different groups can often work together without difficulty and with much mutual respect. Respect is quickly replaced with suspicion and enmity, however, when the claims of opposing group loyalties are allowed to interfere in a relationship between individuals. We may say, therefore, that group rights are always a source of social conflict, of extreme emotional reaction and strained relationships, not just in Canada but anywhere in the modern world because they emphasize personal differences and turn them into the basis for a power struggle. In short, there is nothing more certain to create a racist backlash than making a legal claim or enacting a legal measure that is racially based in the first place. The same is also true of claims that are made on behalf of any culturally defined collective. In contrast, individual rights, where the exercise of political power is concerned, are not contentious because they give everyone the same advantage. Once the legal emphasis has been placed solely on the rights of the individual, we become able to enjoy our differences and even to share and celebrate them and the richness they bring to social life. To strengthen the rights of the individual, therefore, and to deny any legal recognition of group rights would be to defuse the single greatest cause of conflict in any multiracial and multicultural society be it Canada or any other country.

I go on to summarize the approach taken to this issue in the American Constitution and the fact that religious differences were the primary concern when that Constitution was written. As a result, the Bill of Rights in the U.S. makes it unconstitutional for a religion to be declared official. There are many people today who recognize this fact but also try to pretend that religious cultural differences are somehow unique in this regard and what is true of them is not true of other cultural collectives, those based on race, for example, or a language. In this they are seriously mistaken.

11:39

It is now the case – and Canadian experience in recent years should have made us all painfully aware of it – that language has joined religion in the ranks of cultural collectives that lead to a high degree of social conflict if they are established. To declare any language official is totally unnecessary. Language issues both inside government and outside could be settled by sensible housekeeping rules and by agreements designed to meet the genuine needs of the populace in relation to time and place. Instead, by placing it in a legal straitjacket, we have made a simple matter complex and have turned it into an unending source of social irritation and discontent not to mention unnecessary expense. The crisis that now faces Canada with the threat of Quebec separation was in large part created by, not prevented by, our acceptance of official languages as a part of government policy in the first place. The present national predicament is made more difficult to solve because we have given a false legitimacy to a measure that is deeply contrary to the sense of justice and fair play that lives in every person's better nature. We have taken a step that by its very nature cannot help but be repressive and be experienced as such and have tried to make it appear respectable. It won't work because it can't work, because it is contrary to the needs of the age in which we live.

Had we instead followed the U.S. example in the realm of religion and steadfastly refused to make any language official, even the most ardent supporter of the French language would now have to think twice about using the law as an instrument to impose cultural uniformity in the realm of language. The regressive and antisocial nature of such legislation would be as obvious to him as to anyone had not this highly dubious policy been given the semblance of respectability in Canada's Official Languages Act.

Culturally defined group rights are not really rights at all. They are privileges that masquerade as rights. Individuals who belong to groups so favoured are given special status, and those who are not are deprived by law of their legitimate rights in the realm in question, which means that the law has become a tyrant, for when such legislation exists, the coercive powers of government, which should be confined to such matters as criminal law and defence, are being used against its own citizens in a manner that creates intolerance and social disharmony. Even when this fact is only dimly perceived and not brought clearly to mind, as may be the case with most Canadians, deep down we all know this to be true and we respond, sometimes irrationally, to the very real injustice that such messes create. We know that by legislation of this sort a hurt is being inflicted on the body social and such action is not excused by past injustices however bad they may have been or are perceived to have been.

My conclusion concerning linguistic rights: there will never be a solution to the language problem in Canada until we abandon the concept of official languages. There should be no official languages whatsoever in Canada, not even English, and governments whether provincial or federal should undertake to meet the legitimate demands made by their citizens for services in different languages on a basis of need and in whatever area and to whatever degree that need genuinely exists and not through the clumsy, wasteful, and socially abrasive instrument of so-called linguistic rights, rights that are awarded to some and denied to others and thereafter constitute a privilege that has been defined as a right. This one simple step, the disallowance of official languages, would at once begin to defuse the conflicts that have wastefully consumed so much of our nation's time and assets in recent years, conflicts that will never be resolved in any other way. Even the secession of Quebec from Canada would not solve them, because the problems would still remain for all the other linguistic groupings both in Quebec and in what is left of Canada.

I then make some supplementary comments. If our leaders can find the courage to make such a statement clearly and to act upon it, then after an initial negative response from extremists has died down, the fragmentation of Canada will cease and our country will be reborn for us. We will also come to represent to a world torn by intercultural strife a better way of doing things, one that arises from the clear understanding, constitutionally framed and enforced, that the law must never be permitted to be culturally, linguistically, or racially selective.

Others have noted, I am sure, the scrupulously fair manner in which the application of law is handled by the present judiciary in Canada to the extent that they will even grant restitution to someone wrongly convicted, as in the case of Donald Marshall, or throw a conviction out if there are the slightest grounds to believe the law has not been fairly applied, as in the recent case of Jim Keegstra. This all stands in stark contrast to what we as a people have done through our official language legislation. In this we have allowed the law itself to be used as a vehicle of prejudice and intolerance. Yet we seem not to be aware of what we have done. We even pat ourselves on the back, claiming that having two official languages somehow gives us a moral advantage over the rest of the world. Such a level of national self-deception is painful indeed to behold, especially when promoted by members of the intelligentsia. Democracy as a way of governing a multicultural society is relatively new, and I suggest that it will come of age and begin to reveal its full potential as the highest form of government only when we learn to extend the same deep concern for justice that now exists in the application of law to the creation of law also. For what does Canadian society or, for that matter, any society gain by the even-handed application of a law if the law we apply is itself discriminatory?

I have some comments about the application of what I have said to Canada's native population. As individual citizens, it goes without saying that persons of Indian and Inuit extraction should enjoy all the same legal rights and freedoms other citizens of Canada enjoy. The question then is: should they, because of their claimed status as members of First Nations or because of real or imagined wrongs done to them in the past, enjoy additional rights that are not granted to others and are predicated on a basis of race? I go on to say that I fully recognize that grave injustices have been done to our native people and certainly an apology should be issued to them for the way they have been treated, just as much as it has been given to the Japanese and recently the Italian community. Anything that has been done to them that is predicated on the basis of race, any discrimination that has been shown to them, is certainly regrettable. Some of the many injustices meted out to native peoples were racially inspired, and all nonnative Canadians need to feel some measure of shame for the actions of their forebears. A government apology similar to that given to Japanese and Italian Canadians would be in order here also.

We should try to make amends and give our native peoples back their dignity in full measure and with respect for what they out of their special gifts and abilities can contribute to the Canadian mosaic. The question is how. Not by giving them special rights, which would have the opposite effect and would surely incite anger and even hatred towards them as a people. We must seek instead solutions that belong to the future and not to the past. For example, the idea of an environmentally based land trust could be examined in connection with native land claims, trust in which native peoples are fully involved along with other like-minded Canadians in the exercise of a kind of stewardship of our country's natural resources. A structure could be developed that involves use by native peoples of certain territories but falls short of absolute ownership, having conditional clauses perhaps to be reviewed at set periods.

MR. CHAIRMAN: Mr. Cruse, I'd just remind you that your 15 minutes are up. So if you are just about at the end, I'd appreciate it if you'd bring your submission to a conclusion.

MR. CRUSE: I'm on the last page.

MR. CHAIRMAN: Okay.

MR. CRUSE: How much better this would be than to have them withdraw into enclaves of ethnocentric isolation surrounded by a hostile populace, as at Oka. There is already too much ghetto mentality at work in the reserve system as it now exists. If this were ever allowed to happen on a much larger scale, it would be a tragic and regressive step both for our indigenous peoples and for Canada as a whole. The recent judgment by Justice Allan McEachern of the B.C. Supreme Court is seen by native peoples as a further attack on their dignity and a repudiation of them as a people. If they really examine the situation, however, they will find that this is not the case at all but is a repudiation of their attempts to act at cross purposes with what is arguably the most important development in modern social life, the primacy of individual rights. By attempting to claim a special legal status on grounds of race, they place this development in jeopardy.

11:49

I appeal, therefore, to the members of this committee and, through them, to all Canadians regardless of their membership in collectives to stand up and be counted as individuals and reject any attempt to break Canada up into separate territorial enclaves that are dominated by the egotism of collectives. Collectives should be given freedom but not privilege.

Conclusion. For the reasons given above and many more that in the interests of brevity are not stated here, a clear and unequivocal denial of all collective rights in Canada is the one constitutional step beyond all others that will pave the way for the next stage in our development as social beings, that of responsible individualism.

MR. CHAIRMAN: Thank you very much, Mr. Cruse.

Yes, Bob Hawkesworth.

MR. HAWKESWORTH: Thank you, Mr. Chairman. Mr. Cruse, yesterday in Camrose the Camrose separate school system appeared before the committee and made a presentation. They wanted this committee and the provincial government to ensure that long-standing protection of Catholics in Alberta to educate their children in a sectarian way be protected. Could I take from your submission that you believe the right of Catholics, guaranteed under the Constitution, to educate their children in a sectarian way is a privilege and not one that ought to be recognized any longer in the Constitution?

MR. CRUSE: It is a privilege so long as it is only given to Catholics. I fully feel that education is a realm in which politics should not play a very great role and that the privilege now given to Catholics stands in sharp contrast to the fact that the rest of the cultural minorities in Alberta, for example, do not have that same right, do not have the ability. Even what was a Protestant school system has now become public and is a sort of catchall for everyone else except Catholics. So insofar as it is not given to the rest of the populace in some sensible way, I think there should be a change in public education that makes it more open and more possible for cultural groups and philosophic groups to come together into a sort of affiliation with public education that allows them to have other ideas that they do not subscribe to presented to their children. I think this is important, yes.

MR. HAWKESWORTH: On a similar line, Mr. Chairman – and I'll try and keep this brief – one of the proposals we've heard Albertans speak in favour of is a triple E Senate as a way of protecting the regional interests of western Canada and Alberta. If we go to a situation that doesn't recognize collective rights or perhaps even the interests of some Canadians on a regional basis – let's say, Albertans – is there some danger that in all situations a majority of Canadians who live in Ontario would always be able to dictate national policies and as a minority in Canada those of us in Alberta would always be on the short end of the stick? Do you see a danger in a situation like that? If so, how would we compensate or make accommodation for that?

MR. CRUSE: I think that is a danger, but it's a danger that arises because government policy tends to be discriminatory.

With any government policy, whether it's the federal government or provincial governments, this happens. Cultural discrimination is a form of patronage. I think there is today cultural patronage and economic patronage, and they're both wrong. We recognize that economic patronage is wrong, but we still find it happening. I think we should now recognize that cultural patronage is also wrong, and once a government operates with that understanding, it won't be necessary for there to be a Senate to rectify the decisions that have been wrongly made by different levels of government. Even if they could, I don't really think the Senate would serve a useful function in the future, if you really want my opinion.

MR. CHAIRMAN: Thank you very much for your thoughts, Mr. Cruse, and for the eloquent way in which you've expressed them.

Larry Zbitnew.

MR. ZBITNEW: I welcome this opportunity, Mr. Chairman and committee members. I think it's a privilege.

I think the issue before us is really national unity in Canada in the 1990s. In the 1960s, when I was a student at the University of Saskatchewan, all we heard was: what does Quebec want? Separatists like Pierre Bourgault came to speak to us as students and laid blame on us about the cultural and economic status of Quebec in Canada. Politically, Canadians assuage this guilt with transfer payments and bilingualism and the shift of political clout to Quebec. The time has come for us to address the question: what does Canada want to be as a total entity? The question in the 1990s is not one of political mollification but rather a vision of what Canada should be in the future. The vision needs to address economic viability, our role in the world, with cultural and linguistic considerations worked into the tapestry as a backdrop rather than being the overriding theme. A strong vision of our future would give all Canadians, including people from Quebec, a reason to stay in our Confederation.

Some of the elements of the vision. Economic viability. Although economics alone does not build a nation, a strong economy would provide us with a strong basis for a nation. We need to eliminate the national debt because we need to be competitive. The national debt is a large factor in forcing us into a noncompetitive position. People in this nation could be encouraged to give individual and/or corporate contributions which would be directed to the national debt alone for principal reduction so our children and grandchildren could have a viable future. We could have income tax incentives to make contributions. In other words, there would be benefits to the individual. At the same time, there certainly would be benefits to the whole country if we depleted the principal that is owing. I believe people who could afford it would take advantage of this plan if there were a guarantee that it would go against the principal owing on the national debt. We need to believe that there's a commitment to careful spending from all people in government; also, on a personal level, no extravagant trips to Paris for the Prime Minister on the public purse. There must be credibility.

In addition, we must encourage research, inventions, and a public attitude that would take the capital and resources in Canada and turn these into jobs, particularly high-tech jobs, for Canadians. In this case, we must be prepared to spend money, not through patronage but legitimately, to try to develop new technologies, inventions, and ideas for management and business. In some cases there will be failures, but we must be prepared to spend 3 to 5 percent of the GNP to look ahead. People with imagination, courage, and abilities who are prepared to work for societal benefits need to be encouraged and rewarded.

Transfer payments, where the west was bilked of billions of dollars, is not the answer to nation building. If western Canada were allowed to keep its wealth and diversify, it would have attracted people, particularly younger people, to live in the west. Instead, we're subsidizing them in a part of Canada that is continuing to be unproductive. We need to reward success. The labour pools and the markets would have been bolstered where there was a need for these.

On an international role, we need to maintain a role in the world as peacemaker, but this cannot be done at the expense of appropriate military strength. We need a mobile strike force that is state of the art. The Gulf war underscored the need for this role. A strong reserve force would provide us with military potential in a crisis situation without tying up our labour force and causing us the great expense of a standing army.

11:59

We also need to look at mechanisms through GATT and the UN for encouraging multilateral trade. Bilateral trade deals are not going to be the total answer. If we want to maximize mutual benefits, we must seek trade with Europe and the Pacific Rim as well as the Americas. If GATT is not the answer because we lack influence within this organization, then we need to spend money on trade missions with a view to developing our position as a trading nation.

In terms of cultural and linguistic considerations, we are a nation with people who have roots from many parts of the world. People should be proud of their heritage, but we need to develop our identity as Canadians. We need to take pride in what we have done, in our heroes, artists, musicians, and hopefully our political leaders in terms of their statesmanship. Forced policies like bilingualism have not worked. We should encourage language development but not require it to be a prerequisite which overrides competence. Government does not need to spend large amounts of money on these policies. Instead, we need to encourage educational institutions to provide avenues for people to take their own personal initiatives in these areas. However, programs like Open House Canada and other exchange programs should not be dropped. These programs encourage a meeting of the minds for young people, a type of understanding that cannot be achieved readily in other ways.

The native people in this country should have their land claims settled within a five-year period. These claims should be arbitrated by the courts and the payments staged over a reasonable period. Money should not be squandered on some native leaders who frequently misrepresent their people; i.e., Erik Nielsen's book *The House is Not a Home*. He makes references to this issue in his book. I think these settlements should include payments split between individual needs and the band as a whole. This would serve both personal needs and the economic development needs of the band.

A national education policy is long overdue, the issue of a national curriculum aside. It is high time we took a hard look at the sacred cow of provincial rights and education. We need to look at the efficiency of universities. Perhaps we should develop the quarter system so that larger numbers could use the existing facilities where state of the art technologies could be efficiently provided. We need a manpower approach to planning so our young people could choose their futures based on adequate information about our current needs as a nation. Perhaps universities should specialize so they could more efficiently provide exceptional programs for all our young people without expensive duplication. These programs should be available for all young people across Canada, not just people from particular provinces. Entrance requirements should look at more than marks, and we need universities staffed with people who are able to teach and encourage our young people to develop their strengths for their own personal benefit and the benefit of Canada.

We need a national policy encouraging industry to develop continuous educational programs so employees can keep up with technologies and other changes. In addition, this program should be used for manpower management within the organization so we could avoid unemployment and keep our people productive. Money must be spent or invested in imagination and creativity. This is what will save our industry and provide us with economic prosperity.

Any formula for amending the Constitution should be based on the principles of a strong central government and one that does not require unanimity for amendments. A referendum could be used at the ballot box at the next election. Clear alternatives should be given; in addition, an opportunity for the electorate to indicate some priorities for Canada would be worthwhile. An approach to the amending formula that might be useful would be to gauge majority opinion with some consideration given to geographic or regional views. A Senate appointed or elected by the major regions, with Quebec and Ontario not having more than 50 percent of the representatives, could give balance to the House of Commons. The Senate could be focusing on issues like national priorities, Canadian identity, and defence, while the House would focus on money Bills and specific policies. The Senate would set a national course, while the House would reflect the will of the electorate. All constitutional amendments would be required to pass both Houses.

This has not been an academic paper but rather a reaction to the issue of national unity based on 48 years of life as a Canadian. We need a vision. We need commitment from all of us, particularly from our political leaders, to work on the issues identified in this presentation. That's not to mention that there are other issues as well that haven't been identified here. There are always solutions to problems, but we need this commitment and the political will to achieve these solutions. Above all, we need to feel that we are equal partners in developing the new Canada of the future.

MR. CHAIRMAN: Thank you very much.
Yolande Gagnon.

MRS. GAGNON: Thank you. I think one of the most interesting suggestions you made, one I haven't heard yet during these hearings, was that individuals and corporations should make donations to the federal government so it could pay down the debt. Have you talked about this with others? Is this a personal opinion, or do you have some support from other people who think the same way?

MR. ZBITNEW: You're asking the question: have I been laughed out of situations? No, I don't think so. I think people are prepared to buy in. If people can afford to buy in, they will buy in. I believe it's like buying a brick in the Citadel or whatever. If you feel committed to something, you'll do it, and if you have the money and can afford to do it, you'll do it. Now, I think there could be economic benefits built into it, and those benefits would not exceed the value to the nation. Obviously an accountant or someone would have to figure this out in terms of the way it would be handled. The benefit to the country would have to exceed . . .

MRS. GAGNON: The taxable benefit.

MR. ZBITNEW: Yeah, the taxable benefit.

MR. CHAIRMAN: Other questions?

Well, I have one about the subject of education. We've heard a great deal about the necessity of setting national standards so students throughout the country can have transferability and so on, but we've also heard a great deal of concern expressed that the federal government is not in the position to provide that type of leadership and it has to come by a process of consultation and agreement amongst the provinces and, where the federal government has been involved at the postsecondary level, involving them as well. How would you see that being dealt with?

MR. ZBITNEW: I think basically the way our Constitution is set up, obviously the provinces have jurisdiction over education. But I believe there should be negotiations in terms of factors that affect the whole nation, standards being one of them, but certainly the whole notion of how we operate our universities across the nation. Maybe we don't need four medical schools in western Canada that are top-notch or whatever. Maybe one province has that medical facility with actually better equipment than the other three. I'm sort of skirting your question a bit here.

MR. CHAIRMAN: No; that's quite all right, because I think you've really answered the issue. We've done it in one instance. Having been the Minister of Advanced Education, I just thought I'd throw this at you. The veterinary college which is located in Saskatchewan is supported by the western provinces. You would like to see us take a much closer look at doing that sort of thing. As a non-Edmontonian or non-Calgarian, I've heard the question raised: do we need two medical colleges in Alberta . . .

MR. ZBITNEW: It's a good question.

MR. CHAIRMAN: . . . and two law schools? I can tell you the people of Calgary have pretty strong views on that. I don't want to get into the debate, but those are the types of things that do face politicians. We'd be here all day on that subject. Anyway, thank you very much for those thoughts.
Gary Horan.

MR. HORAN: Good morning, or good afternoon.

MR. CHAIRMAN: Just afternoon.

MR. HORAN: It is. I'll be as quick and to the point as possible.

The thing that prompted me to come here today is the fact that I've noticed a couple of words conspicuously absent from any discussions. The one word that comes through loud and clear in my mind – and I would suggest we all take a great big crayon and mark it down – is "equality." If we would welcome every citizen of this country to a free and equal association in Confederation, we wouldn't have to fool around with reworking the Constitution or refederalizing or whatever the buzzwords happen to be. A simple piece of legislation that would guarantee the equality of each citizen in this country and make it an offence to discriminate for or against an individual based on race, religion, gender, or creed: pretty basic.

I'm sitting with a bunch of politicians. Who among you couldn't go out and sell the electorate on the idea of equality? I grew up for the last 47 years on the assumption that we did have equality, and it's only in the last 20 years or so that I've been seeing special treatment here, special treatment there, special treatment all over the place. It seems that the louder the enfant terrible hollers, the more money we throw at it. That wasn't necessarily focused at any given province, although it is interesting to note that between 1961 and 1988 the province of Alberta gave $145.7 billion more to Canada than it received and the province of Quebec received $136.5 billion more than it gave. During the national energy program I always thought electricity was energy. It was conspicuously exempted. Oil paid for it.

12:09

I would suggest there are several other words that we should mark down. If I sound like a redneck, it's not true, but I think it's time somebody called a spade a shovel. The definition of "sedition" is the causing of discontent, insurrection, or resistance against a government. We have several very conspicuous groups who have set out in an openly articulated agenda to set up their own little show. In both cases they're vanquished people, in both cases they were given a very fair deal after the wars were over, and in both cases they want more. Why? Because we've allowed them to. And once again, if we were to offer them equality – equality, equal responsibility, and equal opportunity. "Treason" is another word we could look at. There are some things I consider to be marginally treasonous.

As far as protecting the rights of the regions: a triple E Senate elected and equal in that it would act as a safety valve for Parliament, with two elected Senators from every province and region; Ontario and Quebec the same as anybody else. Then we would have the Senate functioning as a true safety valve. If legislation was palatable to all the country, fine; if it was preferential to central Canada, as most federal legislation seems to be, the smaller provinces could coalesce and stop it. It's very simple. It's very fundamental. I leave that for your consideration.

Quite frankly, I think this exercise speaks well for the province, and I thank you for the privilege.

MR. CHAIRMAN: Thank you very much, Gary. Perhaps as chairman I should jump in and say on the equality that of course in 1982 we did include the Charter of Rights and Freedoms in the Constitution, and indeed that does spell out the requirement for equality in all the areas you enumerated.

MR. HORAN: But it's not being adhered to.

MR. CHAIRMAN: Well, that's the dilemma, isn't it? It is part of the supreme law of the land, which is the Constitution. Your concern is that it's not being adhered to.

MR. HORAN: Or enforced.

MR. CHAIRMAN: Or enforced. Okay.

MR. HORAN: And quite frankly . . . Once again, I'm not a redneck, but this is my country. I have done business. It was my privilege to represent a group of broadcasters in Quebec. I was in the national advertising business in Toronto. I had intimate daily dealings with businesspeople in Quebec over a long period of time. I respect and admire the people in Quebec as I respect and admire most people I encounter, but I think it's unconscionable that the federal government should tolerate this kind of abusive and, as I say, marginally seditious and treasonous attitude. If necessary, we have to remind them that the battle of the Plains of Abraham was won, it's over, and any individual is welcome to leave my country but he'd better leave the dirt behind.

My great-great-grandfather came to this country from middle Europe. Quite frankly, the cossacks came in and ran him off land that had been in the country for hundreds if not thousands of years. On my paternal side a similar thing happened in Ireland. So they both ended up here. They came here prepared to be committed Canadians. If I were to use the same rationale Quebec is using or other special interest groups are using, specifically native groups, and I were to make a representation to the Parliament of Britain or to Moscow claiming redress for wrongs done to my ancestors, what would their reaction be? They'd laugh me out of the box. We sit here and we dignify it. I'm not chastising anybody. I'm just incredibly frustrated because we're all responding to rhetoric that has been predesigned to make us react in context. If we're not careful, they're going to get away with it.

MR. CHAIRMAN: Gary, do you think the province of Quebec should be able to control its language within Quebec?

MR. HORAN: As I said, if there were legislation that would make it an offence to discriminate for or against any person because of race, religion, language, or gender. The little girls – it was on the news this morning – in Montreal who are losing, I think, 5 or 10 percentage points because they were caught speaking English in the schoolyard: aside from being ludicrous, it's reprehensible.

MR. CHAIRMAN: Okay. Any other questions?

Well, Gary, thank you very much for your comments. One of the concerns we all have, of course, is to try and provide equality for the individuals in our society. It's been written into the Alberta Bill of Rights, the Canadian Bill of Rights, and now the Charter of Rights and Freedoms. How it's accepted in the hearts and minds of Canadians I guess is a big problem. You can write everything you want into law, but unless the people follow it, it becomes very difficult indeed for us.

MR. HORAN: Unless you act on it, or unless it's enforced.

MR. CHAIRMAN: Okay. Thank you very much.

MR. HORAN: Thank you very much.

MR. CHAIRMAN: Roy Pudrycki. Yes, Roy.

REV. PUDRYCKI: I did bring a script. It's this blue one.

Thank you for the opportunity to make a presentation. Is the first bell the 10-minute mark?

MR. CHAIRMAN: Yes, it is.

12:19

REV. PUDRYCKI: Okay. My general thesis is: is it proposed constitutional changes we're after, or do we even need to move towards redrafting the Canadian federation? It seems to me that a committee like this and the nation face three options: simply to make cosmetic changes; secondly, to make some substantial changes which may or may not integrate; or thirdly, to make substantial constitutional changes that are consistent with natural and cultural realities and are determined by real needs.

Under the third one, then, which suggests substantial changes, I'd like to propose 10 theses. There are a lot of cosmetic solutions proposed, but finally I think our hearts are touched by visions. I'm not sure a committee can come up with a vision, but some individuals have them. In hearing all these presentations, perhaps you as committee members saw someone who has a vision. So we need more than cosmetic solutions.

It does seem to me, number two, that we are bogged down in bureaucracy and rhetoric at many levels. While one appreciates the chance to make a presentation in a forum like this, at the same time there are hearings and dialogues and commissions and reports, and do we not need to come to a short list of alternatives out of a process like this? We hear the Charter of Rights mentioned a lot. Perhaps we should really talk less about rights and balance that whole business with a charter of responsibilities. I did write a letter to the United Nations in that regard one day and never did get an answer. I'm sort of disappointed. Sure, we can say, "This is my privilege, this is my right," but good grief, if we wish to save the nation, we may have to start facing our responsibilities.

Thirdly, I ask if we are not stuck with artificial political divisions in this country, divisions called provinces. Perhaps one essential problem with Canadian federalism is that these divisions seem somewhat arbitrarily drawn up. Why should the maritimes be made up of four provinces, for example, or the prairies three? Some of the talk about unity and diversity seems too sentimental to be helpful in this regard. Perhaps the answer lies in going back to natural geography and obvious cultic differences rather than artificial politics.

That is to say, number four, could something be gained by recognizing regions? Now, I know there was a political party – I never did read their material – that called itself the Confederation of Regions Party, but maybe they were on to something. Perhaps the clue to redrafting the Constitution is to recognize these natural regions: the maritimes, number one; Quebec, two; Ontario, three; the prairies, four; the Rockies, five. And could we have a sixth area and call it the north and add in the aboriginals and so forth?

Is it possible, number five, that essential democracy takes place at a regional level? Perhaps each region is the essential area where democracy takes place and therefore is, in effect, sovereign. Perhaps federalism could be restored to its true function: to do together those things which regions by consensus choose to do. Maybe we're asking too much of federalism, as we ask too much of many institutions in our society. The schools are supposed to be counselors these days and social workers and all this. That's wrong. And maybe we're asking too much of federalism. Maybe the responsibility must be faced in the regions where the privilege is also enjoyed.

Number six: could the regions, then, decide on the order of the ministries? We have a new phenomenon in the country, and I'm not even sure it's new: the first ministers will meet on significant issues. There seems to be such a duplication of government, but maybe that is a very significant phenomenon. Maybe the regional leaders could come together and say, "Okay, these ministries will be regional and this other set will be federal, and then there will be a set of shared ministries" and so on.

Number seven: if that were possible, perhaps we could simplify the federal structure considerably. The United States of America has 250 million people and – what? – some 480 people in the House of Representatives. We have one-tenth that many people and about half as many MPs. Is that really necessary? Are we not overrepresented? Similarly with the Senate, we have more Senators than the U.S. and are one-tenth its size. Can we pare that all down because the function of the federal system is now different? It's a possibility.

Number eight: with this system, would it be possible to integrate the aboriginals? Suppose rather than the 285 Commons seats we had 120 and instead of 100 Senate seats we had about 60 and gave each of the six regions 10 seats, including the aboriginals. Would this be a way of giving them the essential forum they need to express their ideas and so on? Could we then perhaps if not do away with the department of Indian affairs at least move in that direction?

Number nine: a sharing formula, of course, would still be necessary, because while all the six regions have considerable resources – and it's an interesting exercise to try to list these resources; we're such a rich country – there would still be inequality. Transfer of payments would still be necessary but not on the kind of level we have now, and maybe we could then get away from blaming the feds for everything because we would have to handle this business regionally.

Finally, number 10: at least on paper one would have to say that the option to opt in or out of a system like this would still have to be there. But I can't imagine that any of the regions would opt out. It's interesting to see how Britain has made out in the European economic market. They couldn't stay out of it, and I don't think any region of this country could stay out of such an arrangement either.

On the second page of the presentation, I just sketched. I'm a layman in the field, but it's interesting to do some speculation on which ministries could fall under the regional category and which under the federal, which would be shared. Then I think there would also have to be some federal shadow ministries. They would have to have their hand in education and employment and so on, but basically those would be handled locally. Where a ministry would fit would be open to negotiation by the six regions.

With that I conclude my presentation.

MR. CHAIRMAN: Thank you very much. You've given a considerable deal of thought to this proposal. I appreciate that.

Are there questions or comments? Yes, Pam Barrett.

MS BARRETT: Very good, very thorough. Just one question, and that is: would the regions in your formulation result in the dissolution of the provincial jurisdictions?

REV. PUDRYCKI: Effectively, yes. That doesn't mean that the names will disappear. I mean, if the prairies wish to have subregions and call them Alberta, Saskatchewan, Manitoba, that would be fine, but that would be one unit of the six.

MS BARRETT: So there would be one Legislature for that region.

REV. PUDRYCKI: Yes.

MS BARRETT: Oh, I wouldn't look apologetic. A lot of people are saying that. They want to get rid of some government layers.

Thanks.

REV. PUDRYCKI: One can see the implications of that. I mean, who's going to let go of their Legislature Building and all the rest? However . . .

MS BARRETT: Hey, life's full of change, right?

REV. PUDRYCKI: Yes, and this is what I mean by this isn't a cosmetic suggestion.

MS BARRETT: Yeah, it isn't. Very good thinking.

MR. CHAIRMAN: There was an interesting book a few years ago called *The Nine Nations of North America*. Where would Alberta fit? Only about 25 percent of Alberta is a prairie. Are we part of the Rockies, or is that all British Columbia? I'm just throwing that out as a thought. Fred Bradley here lives in the mountains. He's not a prairie guy at all. He's a mountain man.

REV. PUDRYCKI: A short answer would be that the western border would be redrawn and part of it would go to B.C. Cities would probably go to the central region.

MR. CHAIRMAN: Okay. It's an interesting thought. I notice your division of responsibilities in many respects is not unlike what is now in the Constitution of Canada. Sections 91, 92, 93, and 95 are fairly well set out there almost as they are in the present Constitution, so you don't envision a great deal of shift of responsibility.

Thank you very kindly for your thoughtful presentation.

Dean Smith. Welcome.

MR. SMITH: Good afternoon. My presentation probably will be a little scattered. I only heard of this opportunity last night, but I've been thinking of these issues for many years. I just want to share a perspective with you more than anything else.

My wife and I were actually in Japan while most of the free trade talks were going on. Also, I'm originally from Quebec, although English districts in Quebec, and therefore we missed the heated sign debate that went on in Quebec and legislation around that. So we watched these two events go by in Canadian history from a distance and viewed them from a very different perspective than you would have had here. That was actually quite mind-expanding and gave us a very different view of things.

12:29

When we came back, we settled in Alberta. I'm currently a graduate student at the U of A working on a PhD program there. Again it took us some time to filter back into the Canadian political scene and watch the media events and be able to connect to them as everybody who'd been caught up in this debate obviously did. We watched this Meech Lake debacle transpire over the national news. One thing that struck me very profoundly was that in spite of official bilingualism now for 20 years and the millions and millions of dollars spent on that, we still very clearly have the two dominant language groups in this country, at least a clear split. There was very little understanding and now very little tolerance and obviously great division between these two entities.

MR. HAWKESWORTH: Very little tolerance?

MR. SMITH: Very little tolerance. What was clear is that although official bilingualism came in, whenever it was, the late '60s, early '70s, and these tremendous resources were committed to it, they were obviously committed in the wrong direction, because to state the facts, it hasn't worked; we are more divisive now than we were in those days, I think. Obviously, Canada's gone through different cycles, and we've had these divisive debates at different points in our history and we're back again now, but this one seems to be the worst it's ever been, perhaps, since Confederation.

Basically, I want to divide my treatment here in three different groups: first, language; second, deal with provincial/federal issues in terms of jurisdictions; and thirdly, we go beyond Canada itself in the Canada/U.S. situation with free trade, because it obviously has an impact, at least in terms of finances, on Canada's resources.

The focus in the past has always been at the top. We've spent a great deal of money educating civil servants in Ottawa to speak French, providing services through provincial and federal government offices, and very little in terms of effective language education at a local level, at a provincial level, such that – I'm not, again, trying to push the idea that Albertans should learn French; I want to get away from that, and you'll see that in a second – we have very ineffective language programs, clearly. Most of the country is either unilingual French or English, and those who are bilingual now tend to be from ethnics other than either English or French. We've obviously failed here. We've been focusing at the wrong end.

I'd like to see an official bilingual policy in Canada, but it would be stated very differently, because obviously the last one got everybody's back up, especially in areas like Alberta and B.C. and the maritimes, and this I fully understand. You don't have a French history out here, so you can't see any obvious rationale as to why you should learn French, and there isn't one immediately. However, Canada is changing very dramatically. We are not only now dealing with the French/English division in the country; we have a very large multilanguage component and multicultural component to the country. That's going to be increasing in time, not decreasing.

What I would like to see in Canada in terms of language policy would be bilingualism. Either French or English would be an obvious requirement. You must have either one of those two languages. The second language would be your choice. Clearly, for most English Canadians, French would be an obvious choice, but it would be their choice and not compulsion. Similarly, for French-speaking individuals, if you have French, clearly English is the other obvious language you'd like to have whether you're within Canada or in the international context. However, if you're a native person and you speak some other language – i.e., Cree – or if you're an immigrant just recently in Canada and you speak Thai or speak Chinese, that can be your second language requirement and you then pick up either English or French, clearly. If this were required through the entire education system, from grade 1 right through the university sector, we would develop more of an atmosphere of tolerance to other languages. In fact, we should go beyond two languages and encourage multilingualism, if possible, within individuals.

What was very clear watching *The National* last year – it was the only time I ever saw what French Canadians see – was when *The Journal* ran a special program where they split the program, in fact ran simultaneous translation on the national news, and I saw what Francophones saw. I'd never seen that on Canadian English news. Similarly, Francophones saw what English

Canadians saw. I'm sure they never see that. The way that tragic incident of the Quebec flag that was trod on in southern Ontario, in Brampton or wherever it was . . .

MR. CHAIRMAN: It wasn't Brampton. Brockville.

MR. SMITH: Yes, it was Brockville. Excuse me. Another B word.

That incident played in Quebec very, very differently, obviously, than it did in English Canada. It was on perhaps every news broadcast every night for months on end, whereas in English Canada it was a flash-in-the-pan event. So the impact this has on individuals in those two communities is clearly quite different. We don't have cross-cultural news; we don't have cross-cultural education programs in this country beyond lip service at the federal level. The provinces traditionally have not been interested in doing it, perhaps largely because of funding, but also perhaps because of lack of motivation. Clearly, if we're interested in maintaining Canada as a unitary country, we now have the motivation to come up with better programs.

The language programs that I suffered through as a student in Quebec were really quite abysmal. I managed to get through my French language requirements but didn't learn, in fact, to speak French until I got to my bilingual university, the University of Ottawa, in Ontario ironically, and only learned then by my dealings with French students rather than through any formal education process. My wife and I were actually teaching English as a Second Language in Japan and saw what has transpired in terms of language education. There are really some remarkably effective programs now for all second languages which are quite different from what we went through. These are not currently run in the schools in Canada, nor are they in Japan by and large, by the way, or many other countries. Second-language education is usually done badly, and it has to change. We're spending a lot of money on it now, and we're getting very little for it. So that's the first thing.

One thing I can also share with you is perspective – since I did grow up, in essence, in Quebec, although English sectors, I have a number of French friends – the sense that what most Francophones feel now is, in essence, that English Canada doesn't care and that traditionally they have, in fact, been very second-class citizens. In Quebec up until recently, up until the PQ government came in, up until la Loi 101 when French was declared the official language in Quebec, they were second-class citizens in their own province. Excuse me for the use of this phrase, but it's actually very appropriate; it came out during the '60s, referred to Francophones as essentially white niggers in Canada. This is a very strong phrase, I appreciate that. But if you were a Francophone walking the streets in Ottawa, which is essentially 50-50 French/English, you walk into a restaurant, you order a coffee, and you say, "Un café, s'il vous plaît," a simple request, you're treated with dumb stares often.

A Francophone really has a very difficult time from a strictly sociological standpoint. Forget official statements in Constitutions, official protections. The day-to-day interaction a Francophone has outside Quebec is a really hard-edged thing for most of them and also for most immigrants to this country. We have a very large Asian community now, especially here in Edmonton. The prejudice that these individuals suffer from is really quite extensive. You only hear that if you know them on a personal level. We're not going to get beyond that unless we have one effective language program, initially to deal with the French/English bias we have now, and then a very broad-based cultural education program so we can avoid the obvious friction we had over the turbans on RCMP. That was a particularly strong issue here in Alberta.

Most Canadians know nothing of other religions beyond Christianity unless they happen to be of another faith. This is ridiculous. We live now in a multicultural community, and it's going to be increasingly so. Again, multicultural education taken very seriously right across the country is essential.

Let me get off of language and move on to other things before my time runs out completely.

MR. CHAIRMAN: I just remind you that you have five minutes now.

MR. SMITH: Fine. Thank you.

In terms of federal/provincial powers, I'll just state a few quick points. I would not like to see a large reduction in the federal government in terms of its jurisdiction nor a reduction in provincial government. I would like to see Canada move towards a free trade zone within itself though. Moving between provinces is a difficult thing now beyond the logistics of actually moving: transferring loan programs; having banks recognize bank loans from one province to another; speaking strictly as a student, getting transfers of student loans between provinces. It's as though we're in different countries in many cases. This is really quite silly. We need far better co-ordination of programs at the provincial level, far fewer trade restrictions between provinces. I would not like to see any province take over the area of, for example, environment without national standards that would be applicable to all provinces, that would not necessarily be enforceable by the federal government. I could see a less adversarial system in which you would have expert committees chosen from appropriate disciplines to review, say, environmental impacts rather than federal boards or provincial boards, national boards but not federal government boards or provincial boards, national standards in these areas to prevent what is likely to be a major disaster in Quebec with the James Bay project, perhaps a major disaster here with the developing of forestry in northern Alberta, and similar projects in other provinces. There are obviously very great stakes here economically and environmentally in each of these areas, and it's not appropriate – it's an obvious bias – to let the provinces administer this or the federal government. It should be something done jointly, but we need minimal standards in environment, in health, and in other sectors of a similar nature.

12:39

One last point I'd like to make is on a slightly tangential topic, free trade between Canada and the U.S. Increasingly now for any new programs all levels of government are under tremendous duress. There's no money anywhere. That's well established now in most countries, not just Canada. Free trade is making it that much more difficult for Canada because we have to have a so-called level playing field; therefore, manufacturers here have to compete on the same level as manufacturers in the U.S. However, obviously the costs to manufacturers in the U.S. are substantially lower. They're a much warmer climate, which is an obvious difference, but it has major financial impact. Educationally they're behind Canada, although Canada's not much further ahead. Healthwise they're way behind. These are huge social costs that we bear that they do not bear. It's very difficult to see how we can ever have a level playing field with America. If we rip down the barriers, as we are doing right now, without any kind of back-up strategy, we will simply move to their level or eventually to Mexico's level, and I don't think that's particularly desirable. At least I don't think so from my perspective.

One way around this, and I'm amazed it was never considered during the free trade debate, was that we should have a system similar to what Europe has in their European Economic Community. Not only do they have free trade between countries, but they have a political structure which oversees that entire interaction. All of those countries also have a similar level of social policy in terms of health, education, et cetera, which is not similar to the situation between Canada and the U.S. and, obviously, Mexico. We need a political structure which beyond our bilateral arrangements will allow us to influence U.S. policy if we are engaged in a free trade policy with them and similarly with Mexico. We need some way to be able to boost their minimum salaries, et cetera.

I will finish on that. On a national level obviously a triple E Senate is the way to be going. I don't think that's an Alberta or even a western issue; that's something many central Canadians and maritime Canadians would support as well. I'll finish there.

MR. CHAIRMAN: Thank you very much. You've given some thought and no doubt we could engage in a lengthy dialogue on the issue of trade matters, which of course are not strictly constitutional, but they have an impact on the economy in a very dramatic way, obviously.

All right. Questions or comments?

Well, Dean, I thank you very much for your presentation. We are drawing to the close; we have two more presenters, Bill Strawson and Nick Hertz, and then we will conclude this particular session. Thank you very much for coming forward.

MR. STRAWSON: Good afternoon, Mr. Chairman, fellow members of the committee. My name is Bill Strawson. I'd like to give you a little background on myself. I was born in rural Alberta, I'm 24 years old, and I now reside in Edmonton. I'd like to give you a perspective of what a young Albertan and young Canadian thinks of what is happening to our country. I'm fortunate to give you the rural as well as the urban perspective.

Quebec says it is not happy with Canada, and neither am I. We have made a great nation. Albertans have played a very large part in the shaping of this country. We as Albertans can share in Canada's triumphs as well as in its failures, but in its failures we must ask the question why. Why have we failed? We are facing one great failure right now; we do not have a constitutional deal for all of Canada and not a particular region.

To understand the people of this nation, we must accept who they are, where they've come from, and as well understand our past, because we are all Canadians first, and first we are all Canadians. There are people who will ask me: "What is a Canadian? Please identify." A Canadian is an individual who has valid citizenship of this nation. That is what a Canadian is. Nothing more, nothing less.

To understand the differences of our nation, I would like to address some of the areas that I feel need to be addressed so we can have a constitutional deal for all of Canada. One is the economy. The uncertainty of our nation puts our economy at risk in the international community. We must have political union to have economic union. As an Albertan I do not mind sharing our surplus with the rest of Canada, but it has to be fair. We gave oil; we did not receive our manufactured goods any cheaper, or power. As well, when we talk about, for example, unemployment insurance benefits, there are individuals in this nation who make $90,000 in six months, and there are others who make $35,000 and work for 12 months. The person who makes $90,000 can draw unemployment insurance while the person is working at $35,000 for the 12 months. Should that person at $35,000 a year go and support the individual who made $90,000? It is not our problem as a government to support the individual if he cannot budget.

Two, the programs that the federal government implements on us. Programs in place for all of Canada, the majority of which are centrally located and implemented, I feel are wrong. How can they understand the programs that they are implementing in central Canada for different regions of this nation? I believe there should be some central planning, but the implementation of those programs should be left to the regions that they serve.

Reorganizing our Senate. The Senate must be reformed. We must have a balanced share of power in this nation. We have representation by population. It is time to have a regional voice.

As well, our interest rates. The government programs that have in the past helped densely populated areas of this country have had a great effect on other regions of this nation, most times at harm to other parts of the country. Those programs in the past have hurt us all. We must be very cautious and careful when we plan those programs to help some that we make sure we are implementing the programs for all of Canada, not for particular regions.

The rights of the citizens of our nation. Every person should have the same rights. We should not judge a person on religion, ethnic, culture, or sexual orientation. If we want Canada to be a fair place for all Canadians, we must grant every Canadian this right, for this is justice.

In conclusion, since the beginning of the BNA Act of 1867 we have not integrated the French or the native people. We must stop blaming administrations of the past, for all we are doing is blaming ourselves. There is no more time for blame, a failure of not answering the concerns of those we are speaking of today. There is time now for action, and action I ask for. We have no right to play with the futures of the young people of this country, for we will be there tomorrow, not the ones who will be there today. Looking forward, we must keep in mind: what can we afford as a nation, and what will it cost? We must have balanced budgets from all levels of government to secure a prosperous and healthy tomorrow for all. So let us look and learn from the past for a better tomorrow.

Thank you.

12:49

MR. CHAIRMAN: Thank you very much, Bill, for your thoughts that you've shared with us.

Yes, Pam Barrett.

MS BARRETT: A question unrelated to the content of your submission: were you present on Friday or Saturday at the hearings here at the Hilton?

MR. STRAWSON: No, I was not.

MS BARRETT: Actually it was a comment from the previous speaker that made me ask this question. The previous speaker said he'd been called last night that he could come in and present today. Was that true for you as well?

MR. STRAWSON: Oh, I had some time I was allowed to present this report.

MS BARRETT: Yeah. But you didn't ask on Friday or Saturday. You were advised afterwards that there was space.

MR. STRAWSON: Oh, I called the telephone number and spoke with a gentleman named Cameron, I think his name was. He arranged an appointment time for me, and this was the day and the time.

MS BARRETT: Oh, I see. So you didn't get a call. You called in.

MR. STRAWSON: I called in.

MS BARRETT: I see. Okay. Thanks.

MR. STRAWSON: Thank you.

MR. CHAIRMAN: That's a matter of interest to us because we've advertised extensively. How did you come to know of the phone number and so on?

MR. STRAWSON: Just through word of mouth, through individuals who were involved in some of the government programs, and the little booklet that was issued by the province, Alberta in a New Canada.

MR. CHAIRMAN: Okay. So you found out through that publication and you've read that.

MR. STRAWSON: Yes, I have.

MR. CHAIRMAN: Did you find that useful?

MR. STRAWSON: I found some of the comments in that publication interesting and some by individuals kind of ridiculous as well, but yours and Mr. Rostad's were notable.

MR. CHAIRMAN: I wasn't fishing for a compliment, but I'll take it anyway. Notable: I'll assume it was favourable.

MR. STRAWSON: Yes, it was.

MR. CHAIRMAN: Okay. Well, thank you very much for your presentation and for coming forward.

Nick Hertz.

MR. HERTZ: I did bring one extra copy.

MR. CHAIRMAN: Thank you. We will circulate copies, not just to members of the panel but also to members of the other panel who are now in Hinton doing what we're doing. There are 16 members, as you are probably aware, and we've split into two panels, so this is half the group.

MR. HERTZ: Thank you very much, and good afternoon. I just headed my topic Some Thoughts on the Constitution. In Canada we have two official languages, and whenever you have more than one language or more than one thought or idea, you have the possibility of conflict. It is how we mold those ideas or differences and build in our areas of agreement similarities and strengths that decide what kind of society or country we have. In Canada we have a strong central government and strong provincial governments who must share responsibilities for governing. Our central government should be responsible for defence, currency, banking standards, health care standards, education standards – national standards in education that would allow for mobility of labour so people can move from one province to another without their children having a problem with schooling – areas of transportation, the post office, communications, international affairs, radio and TV licences, and, under international affairs, free trade.

When we look at Quebec as a distinct society from a cultural and language point of view, let me give you a few examples of the things I've experienced. Some years ago our daughter was involved in a student exchange program with Quebec. Both girls were in grade 11 at the time. After our daughter spent three weeks in Quebec, both girls returned to Edmonton for an additional three weeks. During the student visit to Alberta there was a wedding in our family, and of course our Quebec student was invited and attended with us. The next day she told me what a good time she had and how surprised she was that she was so well accepted in Alberta. She'd been taught or learned or heard that all westerners, particularly Albertans, were very hostile, anti-French and anti-Quebec. The point here is that ordinary people are slanted by the politics in their areas, and that may be far from the truth, as it was in this particular case. This young lady was so surprised that she could come to Alberta, she was accepted and was part of the flow, and no one really ever chastised her because she was French or she came from Quebec.

I do not speak French, and my high school French has long left me. Some three years ago I traveled to Japan on a business trip with 23 other Canadian businessmen from across Canada. Of the 24 there were five from Quebec who spoke no English and 14 of us who spoke little or no French. Our Japanese hosts were flabbergasted to see Canadians who could not speak to one another. It does sound out of place to have people from one country who cannot converse. So should we all learn French? Yes, I believe we should. Should it be compulsory? No. The world's getting smaller every day. When we're in a public place today and we hear someone speak French in Alberta, some Albertans, Canadians, get very upset, yet they will tolerate a European language and think nothing of it. The question is why. We need to assess our values and meet our fellow Canadians on level ground. It would appear that the west wants all Quebec to learn and speak English but they do not feel they should learn or speak French.

I headed another topic Federal Politics Favouring Quebec. I think a case could be made to say that Quebec in some areas has received favourable treatment from the federal government. How did Quebec achieve this? They have some 90 seats in a federal House of some 283 members. For many years the people of Quebec voted for one party federally and elected large numbers of members of one party. So they had 90 members who worked as a unit in the federal House. They accomplished a great deal. They did nothing wrong, merely worked hard for the people they represented who elected them, while the west elected a few members from several political parties who never worked together. Some now say these westerners sold out to the east and in particular to Quebec.

So are we Albertans first and Canadians second, or are we Canadians first and Albertans second? Are we prepared to listen and accommodate some wishes of Quebec where they fit into our Canada, just as we want Quebeckers to accept our wishes when it comes to the English language and our natural resources? We need to get this message to ordinary Quebeckers: yes, we want you in Canada. As I said earlier, when we have two or more groups, there will be disagreement. Each will have to be tolerant and give and take; otherwise, there will be no agreement.

If we do decide to separate, will that be the end of the conflict? Just because Quebec leaves Canada, will this end their and our problems? I'm afraid not. Nor will we end all conflict if we decide to remain one country. We need to instill in our people a sense of belonging and tolerance and accommodation. Our plan has to be built on the things that hold us together, and we must work on the things that attempt to split us apart. If we do separate, in my view items that split us now will multiply and will not decrease. We've allowed ourselves to get into this terrible situation, and unless there is give and take on both sides, there will be no agreement.

I wish the committee well in their deliberations.

MR. CHAIRMAN: Thank you very much, Nick.

Are there questions from the panel?

You asked the rhetorical question about why there is resentment on the part of some Albertans when they hear French being spoken as opposed to European languages. We've been hearing from a lot of people, and one of the things we have heard from time to time is that bilingualism has been forced on western Canada. That's the perception, and that is perhaps an answer to your question. The reality about bilingualism may be entirely different, but the perception does exist on the part of many people that it's a forced program. Perhaps that's why there is a resentment factor. I think that's really unfortunate, but I'm just trying to give you a little answer to your rhetorical question.

12:59

MR. HERTZ: I agree, but I think it's the way the program was sold. When it came in, the message was that everyone must learn French. I don't think that was the message at all. Everyone was encouraged to learn French. I don't think everybody was required or there was going to be a compulsion to learn French, but that's the way it came across and that's a mistake.

I think the reverse is true in Quebec. The situation there is that everything from the west is bad or everything from the English is bad.

MR. CHAIRMAN: Well, these are difficult perceptions to overcome. There's no doubt about that.

MS BARRETT: Yeah. Supplementary. On that subject, though, would you not acknowledge that in fact many of the opponents of the program also sold it as French being forced down people's throats as opposed to talking about the strict application of the program with respect to federal public employees?

MR. HERTZ: Oh, sure.

MS BARRETT: Okay.

MR. HERTZ: I think it was sold on the basis that you must do it.

MS BARRETT: No, but including the opponents to it.

MR. HERTZ: Yes.

MS BARRETT: Okay. Thank you. I thought that's what you meant.

MR. CHAIRMAN: Well, thank you. The copy of your brief we will submit to the other panel.

This concludes the presenters for this morning. I just want to thank you all. We on this panel, after hearings which commenced last Friday evening, have now heard approximately 115 presentations. Tomorrow we will go to Lethbridge and then to Medicine Hat and Calgary.

Next Friday afternoon from 4 o'clock until 10 o'clock in the evening, or perhaps a little later with appropriate time for some food in between, panel B, consisting of the other eight members of the panel, will be in this room. They will be here again on Saturday between 9 a.m. and 5 p.m., with an appropriate break for lunch. I know there are many people. As a matter of fact, I am sure it is full now in terms of the number of people who wish to make presentations to that panel as well. So we are hearing as many people as possible.

As I indicated at the outset today, this hearing opportunity today was made available in order to take care of people who had phoned in to our toll-free number and requested the opportunity to make a presentation. Quite frankly, I understand from my staff that since the hearings began and more public awareness came about, we had to put an extra person to answer telephones at that toll-free number in our offices. So public interest is certainly there. We are trying to respond as best we can to make sure the views of Albertans are known to this panel as we prepare a position for the Legislature of Alberta to debate and discuss as we move forward in this province with part of the national debate about the future of Alberta in the new Canada.

Thank you all for coming, and I thank my panel colleagues for their patience. Quite frankly, we've gone over our time by only about five minutes, so we've done not too badly this morning. Thank you all for being here.

[The committee adjourned at 1:03 p.m.]

1:05 p.m. Thursday, May 30, 1991

[Chairman: Mr. Horsman]

MR. CHAIRMAN: Ladies and gentlemen, I'd like to commence the meeting. We have three members of the panel who have yet to arrive, but I think in order to start relatively on time, since we have a large number of presentations to receive this afternoon, I'd like to go on so that the people who are making their presentations will have the necessary amount of time to do so.

This is one of the panels of the select special committee of the Alberta Legislature which has been established to consult with Albertans on the subject of Canada's Constitution, the constitutional future of Canada. There are 16 members on the panel: eight are here in Lethbridge today; the other eight are in Red Deer. That way we're covering twice as much territory. We commenced our hearings last week in Edmonton and Calgary, and we'll conclude with the panels reversing their locations this coming Friday and Saturday in Edmonton and Calgary as well. We have been hearing some very interesting views – not all the same, and that would not surprise anyone – about how the future of this country should unfold relative to its constitutional relationship with the other provinces and with the federal government.

When you make your presentations, we are asking that you do so within a 15-minute time frame in order to allow all of the presenters to make their views known. We want to, obviously, have some time for questions from members of the panel, and that should be included in your 15 minutes. At the end of 10 minutes a bell will ring to alert you to the end of that period, another five-minute bell will sound, and then we would ask that you would conclude as quickly as possible to allow your fellow presenters to have their opportunity.

I'm Jim Horsman. I'm the MLA for Medicine Hat. In addition to my colleagues who are on the panel, all of whom have now joined us, I'd like to welcome in particular our good friend and colleague the Hon. John Gogo, the MLA for Lethbridge-West, in whose constituency we are now ensconced. Right, John?

MR. GOGO: You betcha.

MR. CHAIRMAN: Thank you very much for coming.

I'll ask each of my colleagues now to introduce themselves.

MRS. GAGNON: I'm Yolande Gagnon, the MLA for Calgary-McKnight. I'm John Gogo's critic in the Legislature, but we're good friends anyhow.

MR. HAWKESWORTH: Bob Hawkesworth, MLA for Calgary-Mountain View.

MR. ADY: Jack Ady, MLA for Cardston.

MR. SEVERTSON: Gary Severtson, MLA for Innisfail.

MR. BRADLEY: Fred Bradley, MLA for Pincher Creek-Crowsnest.

MS BARRETT: Pam Barrett, MLA for Edmonton-Highlands.

MR. ROSTAD: Ken Rostad, MLA for Camrose.

MR. CHAIRMAN: On my left is Garry Pocock, who is the secretary of the committee and who is an official with the Department of Federal and Intergovernmental Affairs.

Well, it's now 10 after 1. There are a few more seats in the room, so please come in.

The first presenters are the Lethbridge Catholic school board. Donat Demers is the chairman, and I see he has some strong supporters with him.

MR. DEMERS: I have a brief here.

If any of you are less nervous than I am, you could read that to me, and I'll give you a little critique of it.

MR. CHAIRMAN: Well, please don't be nervous. None of us have bitten any of the presenters so far, and we've heard from 115 people.

MS BARRETT: And we've all been tested for rabies. You're safe.

MR. CHAIRMAN: Yes. Although the temptation has been there from time to time, we have avoided it. Please feel relaxed and comfortable.

MR. DEMERS: I'm worried that in a room of this size you and I can reach across the table and grab one another's ties.

As a member of the Catholic school board, I speak on behalf of the board and the community in Lethbridge in which the board is elected. Our district bears the official title of the Lethbridge Roman Catholic school district No. 9. Presently Catholic schools enroll 2,600 children, ECS to grade 12 in eight schools, about a quarter of the school population in Lethbridge. It employs 155 teachers and almost 125 full- and part-time support staff. The district has operated in Lethbridge since 1889.

The board of trustees aims to tell you of the value that it and the community it represents place on the minority rights for education of its youth as they exist in the present statutes. These rights are deeply embedded in the history of the Canadian Constitution. Each major development of the Canadian Constitution has reaffirmed these rights: the British North America Act of 1867, the *Ordinances of the North-West Territories* of 1901, the Alberta School Act section 17(1), and the Charter of Rights and Freedoms section 29. In addition, the School Act of Alberta of 1988 makes clear the declaration in its preamble:

> Whereas there is one publicly funded system of education in Alberta whose primary mandate is to provide education programs to students through its two dimensions, the public schools and the separate schools.

In another place the School Act explains that the separate school dimension comes into being because of the wishes of the minority religious group, either Catholic or Protestant.

A brief reference to two documents to guide the work of Catholic schools in Lethbridge illustrates the influence of the religious commitment. Given the circumstances of our argument before the select committee, these brief references must suffice. First, the Lethbridge catholic school board recognizes the dual nature of its mandate. Its mission statement, developed by a committee of parents in the community, states its obligations to the wishes of the minority, as the School Act uses the term, and it clearly states its obligations to the requirements of Alberta education. Second, the statement of ideals for teachers in the Catholic schools in Lethbridge, developed by the teaching staff and adopted by the board of trustees, declares the commitment of Catholic schools to carry out their mission within the context of Christian teaching as explained in the Catholic tradition.

The select special committee has a part to play in the important task of developing the constitutional arguments for the new Canada. We hope and pray for an enlightened disclosure during the study and an outcome that will pay due regard to the traditions and practices that have made Canada a world leader in its concern for tolerance and understanding. To this end, we recommend that the Select Special Committee on Constitutional Reform ensure that Alberta's participation in the process of review of the Canadian Constitution include initiatives for the protection of rights to minority education presently afforded under the Canada Act of 1982, section 93. We believe, too, that the history of education in Alberta, especially in recent years, demonstrates a broad measure of support for this recommendation.

Yours truly, Donat Demers, chairman of the board.

MR. CHAIRMAN: Thank you very much. You've attached your ideals and commitments, right?

MR. DEMERS: We've tried to give you as much material to back up anything that we've stated . . .

MR. CHAIRMAN: Thank you. Well, thank you very much.

Members of the panel? Yes, Yolande Gagnon.

MRS. GAGNON: Thank you, Don. Yesterday in Edmonton we had a very erudite lady – I believe she knew a lot about the Constitution – indicate that there should be no minority rights of any kind. She was referring to language as she began, but then when asked, I think by Bob, whether that would include religious rights, she indicated that in a new Canada we should not have any groups who are different from any other groups, no matter what the tradition had been or what the Constitution said. How would you respond to people who see minority rights as a special right?

1:15

MR. DEMERS: Having been born and raised in the province of Alberta, although I went to college in the United States so had a close look at both forms of government, the biggest pride that I have in Canada is the fact that we recognize minorities. If we were to gloss everything over and become a melting pot, there is no Canada. I think our strength is in our diversity. Whether it be in education, whether it be religion, whether it be other traditions, I think our strength lies in the protection of everybody's rights to be individuals.

MRS. GAGNON: Okay. Supplementary. Also earlier this week we received a presentation from the Edmonton Catholic school board chairman, and he indicated that all students should have equality in education. I pushed it a little and asked if that meant equal funding for private schools. He spoke for himself, not on behalf of his board, and said yes. How would you feel about that, or how does your board feel about that if you're talking equality of opportunity?

MR. DEMERS: I cannot speak on behalf of my board, but on behalf of myself I can't see how we can differentiate. That is why – when I mentioned separate schools, in some areas a separate school is a Protestant school. If you give the rights to one individual, which we already have, I do not see how you can block rights to somebody else. I do not attack any part of the public education system. Do not get me wrong. I don't want to see public education go down the drain, but if you give rights, and we have rights under separate education, does it make any difference if the separate school is a Protestant school? Does it make any difference if it's a Catholic school? Does it make any difference if it's a Dutch Reformed school? We all have rights. As a minority I can't deny other minorities their rights, nor would I ever consider denying them their rights. Catholic schools exist for one reason, and it's the promotion of our religion. To sit in this group and not say the Christian thing – we cannot dissolve anybody from it; we cannot deny anybody from it.

MRS. GAGNON: Thank you.

MR. CHAIRMAN: Thank you very much, Don.

During the course of our hearings and as part of the issue of how we must look at a new structure if we're going to have a change, one of the issues of course is the division of responsibilities between the federal government and the provincial governments. Section 93, which you mentioned in your brief, provides that education is the exclusive responsibility of the provinces. At the same time, we've been hearing a concern that there should be some uniform standards across Canada so that students who are educated in one part of Canada could have access to education in other parts of Canada as a result of the mobility that Canadians in fact experience. Some people have suggested that that means that the federal government should have a greater role to play than is presently provided for in the Constitution. What would be your view of that proposal?

MR. DEMERS: Could I ask you to repeat the question so I could formulate my answer?

MR. CHAIRMAN: Well, the real question is . . .

MR. DEMERS: Okay. No; I understand the question. I think we have already invented the wheel. I think in our look at the Constitution we should be working to make it roll better. I think we should build on what we have. I'm an advocate. I don't know – I'd like to know – who quoted it, but good government is close to the people, and if you move it further away, how do you get the basis of the response of the people? I mean, how do they understand 2,000 miles away the feelings or the conditions that exist? Albertans are Albertans. They are not Saskatchewanites and they are not B.C.-ites. We are different, even though we border together and we intercourse together. I do not think you could run such a thing. I think it should firmly be a responsibility of the province. I can see no harm in having some kind of guideposts to measure one another against. I have a lot more confidence in the fact of how well the students that I work for will perform than in my ability to speak. I at no time think we offer a lesser education than anybody else in Canada or North America. I'm very proud of our students. I know they are achievers. I only wish that when I was in grade 12, I was as well prepared as the students that we are turning out now.

I don't know if I really answered your question.

MR. CHAIRMAN: No; you answered the question.

In the most recent throne speech by the federal government they make the allegation that four out of 10 Canadians are functionally illiterate. If that is the case, that's rather a damning indictment of our educational systems in this country, is it not? How do you react to that particular type of statistic?

MR. DEMERS: There's only one short, sweet expression I'd lay to that: I think it's a bunch of horsefeathers. Because you do not turn out a student that will do exactly one specific job does not make him illiterate. That's a broad statement. How would you ever judge how that statement applies to different areas, to different forms of education? I am concerned at the amount of students we lose. If you took the kids in grade 6 and found out how many we lose, 30 percent looks pretty good. I'm worried about it. I saw it myself as I progressed from grade 9 into high school, how many of my buddies were gone. They didn't even get to the statistics of them turning out at grade 12. I wish we had some kind of more of a support group – family, expanded family – to help these kids when they come into the system so that they would have a backup group. We need a backup group. We cannot cure all the ills in school. If you spend the first six years trying to discipline somebody or to get them to respond in a group situation, it doesn't leave much time for education.

MR. CHAIRMAN: Well, thank you. Are there other questions from members of the panel?

Well, thank you very much for your presentation, and may I on behalf of the panel extend to you our thanks as a volunteer servant of the people of your constituency for the work you do on behalf of those people and the young people of this community.

MR. DEMERS: Thank you very much for having me.

MR. CHAIRMAN: Joyce Green. I apologize for the size of the room. When I walked in here, I couldn't believe it was quite so small. We are moving this evening's sittings to the ballroom. We just couldn't get in there for this afternoon. I am sorry for the crowded nature of the room. My guess is that unless we open the windows a little bit, by the end of the afternoon this is going to be a hot room. So perhaps my colleagues or somebody could just crack the window open a little bit and get some fresh air.

MS GREEN: Am I on the mike now?

MR. CHAIRMAN: Yes. Please go ahead. I'm sorry; just a moment. We are not amplifying the sound, so you'll have to speak up so the people in the back can hear you as well.

MS GREEN: Well, thank you very much for being here. One of the grievous lacks in our constitutional discourse to date has been the fact that it's been conducted primarily by politicians and technicians behind closed doors, and consequently we the public have felt alienated and silenced and ignored. I'm just thrilled to have a chance to speak my piece before some politicians who are apparently willing to listen. Thank you very much.

There has been a marked discourse on constitutional matters since the 1982 patriation of the old British North America Act. The tensions surrounding Quebec's sense of grievance around patriation and its continuing alienation from the rest of Canada, combined with the failure of the four subsequent First Ministers' Conferences on self-government in the Constitution, the continuing alienation of the west and the north, and the sense of outrage felt by many Canadians around the handling of constitutional matters have focused, I think, an inordinate amount of energy on our differences and exacerbated our cleavages. We are now, I think, a nation comprised of regions which see their own sense of nationalism to the region or to the ethnonational community rather than to the nation as a whole.

1:25

The Constitution is a rather complex set of documents and conventions, and I won't attempt to deal with it in its entirety. I think perhaps it might be most useful if I focus my remarks in three areas: I'll take a look at the premises on which the Canadian federation was designed and comment on how well that's working for us now, I'll look at the national and international obligations the country has assumed, and I'll look at the priority of matters that should be on the political agenda as predicated by these national stresses.

The constitutional debate is really about a fundamental examination of the way we Canadians see our country and our society and the restructuring we need for a chosen path of national evolution. Therefore, the deliberations have to include Canadians. I cannot overemphasize the importance of public participation in these matters for two reasons: the first is that we Canadians know best what we want and need from our country, and the second is that without the authenticity conferred by our participation, any subsequent political arrangements will be irrelevant to us. Therefore, it's important that as a society we come together and make these thoughtful and informed choices.

The Canadian universalistic ideology increasingly denies both regional and ethnonational particularities. For a comprehensive discussion of the differences, then, I'm referring you to Vernon van Dyke and Michael Asch, 1980, 1984, and 1990 respectively, and that will save you my lecture on the subject. Nevertheless, it is important that we acknowledge the diversities that are real in the country and stop trying to paper them over with the notion that we are really just one people. This drive for mass assimilation is really intended to support the myth that we are one people that have come together to form a country. In fact, this is not true. The sooner we recognize the realities on which this country is founded – that is, of several contributing nations and particularly the aboriginal First Nations – the sooner we will be able to deal with the regional stresses that are now tearing us apart.

The challenge for Canada in abandoning our universalistic ideology is that we have to also legitimize our national origins and the consequent land theft and cultural degradation of aboriginal nations. Consociation, which is I think probably our best option now, would acknowledge this and provide a framework for addressing the very difficult logical consequences of abandoning our mythological origins.

A vision of Canada will of necessity go beyond the administrative division of powers in the Constitution Act of 1867. A contemporary Constitution for this country will require accords on the economy, the environment, the First Nations, social policies, and the structures on which our political system operates. In my view, these are essential elements of a dialogue on national reconciliation and future constitutional development.

The matters of regional factionalism, Quebec's alienation, and aboriginal nationalism fall into the category of disunity. The factors are real. Provincial governments have a responsibility to work co-operatively and collaboratively with the federal government in securing equitable solutions to these matters. Where the rights of citizens are affected, section 52 of the Constitution Act of 1982 requires that protection of our rights be paramount.

Both orders of government have a pressing obligation to deal with the reality of evolving aboriginal governments and their requirement for a land base, for economic resourcing and infrastructure, and for a constitutionally recognized base of power. Aboriginal governments in their turn will only succeed within the context of the Canadian polity. Shared jurisdictions predicated by our federal structure call for enormous political empathy and goodwill, which has been notoriously lacking in the First Ministers' Conference round. Perhaps there has been too much competitiveness and a overweening emphasis on the hording of power to the two existing jurisdictions.

Canadians need to consider constitutional amendments and processes in light of the following questions: what is our collective vision; how can we co-operatively achieve it; is there a national will or merely competing regional wills; what political and structural options present themselves to deal with cultural, economic, gender, and aboriginal tensions? A thorough public dialogue would be most helpful for us in clarifying how our society could function. This is not a fast process, but the price of denying it is evident in the current fractures. Elijah Harper's slaying of the Meech Lake dragon served notice to the first ministers that their past constitutional sins of exclusion and manipulation require political atonement. The public does insist on involvement in these matters, and any appearance of political elitism will be suicidal for federal or provincial politicians.

On the matter of economic issues, then, we need to examine the impact of the free trade deal currently signed with the U.S.A. and proposed to include Mexico on regional economies, national programs and initiatives, and labour. Our Constitution should articulate economic principles that affirm the first-order interests of the Canadian population in economic development and sustainability. The right of people to work in a safe work environment with adequate remuneration are already present in article 23 of the UN declaration of human rights and the corresponding covenants on economic, social, and cultural rights, articles 7 and 11. Canada is signatory to these instruments; therefore, we have already accepted the principle of protection of the workplace, the workers, and the economy for our own benefit. There is no practical or philosophical barrier to their explicit incorporation in the Charter.

On the matter of an environmental accord, we need to explicitly make environmental considerations a highest priority in dealing with the exercise of constitutional powers; such as, for example, the development and sale of natural resources. We need to consider environmental questions ranging from the real cost of specific industries to alternative technologies to development of sustainable, nondamaging, stable state economies. Our Constitution must affirm the first-order interests of Canadians in and our commitment to environmental integrity. Flowing from this will be codified rights to clean air and water, to safe land use, to a statement of obligation to preserve our land with its diverse ecosystems for other species and for ourselves. It will include a statement of our collective responsibility to a program of economic and social development compatible with our environmental accord. [A bell sounded]

May I continue?

MR. CHAIRMAN: Yes. That's the 10-minute bell. You have another five minutes.

MS GREEN: I've got about another 10 minutes, but I'll hurry.

On the matter of political structure, then, despite the misnomer of Confederation, Canada is a federation. The decentralizing forces currently evident call for a more confederal structure. We need to take a careful look at the consequences of this before we go rushing into it.

I won't bother you – many of you are more familiar with the Constitution than I am – with the particularities of the wisdom of a strong central government and the necessity for regional governments dealing with local matters. However, the fact of the matter is that the model doesn't quite meet the realpolitik in Canada, and a variety of informal mechanisms and conventions have been developed to deal with jurisdictional overlap and so on.

One of the means that has been developed is the use of executive federalism and the use of the First Ministers' Conference. There is a danger in this insofar as it removes political debate from the political arena where the public can participate and puts it into a hothouse environment of technocrats and elite politicians. For many of us, this is bewildering and illegitimate. First Ministers' Conferences should never be used to take constitutional matters behind closed doors beyond the purview of the Legislature where at least we have an appearance of public debate on matters.

1:35

Senate revision has been touted as one of the possible ways to handle the structural problems of our federal process. Proportionate representation in either or both the upper and lower Houses has been suggested. Appointment should no longer be the process by which Senate seats are filled. It is an illegitimate process seen to be incompatible with democracy. The Senate's ability to veto certain Bills will have to be limited to certain kinds of legislation, perhaps constitutional amendments, in order to ensure that the lower House is not frustrated. Suspense of powers could be tied to a time frame to permit the Senate to exercise its constitutional authority without frustrating the will of the elected House currently sitting.

I will argue for the importance of a strong central government for all Canadians and for the importance of regional governments which are not empowered to subvert the national good.

On structure and process reforms, then, the following principles might provide a statement of vision for our practice of the specific policy mechanisms. I'll enumerate these briefly: a commitment to international peace through common economic and political security pursuant to our international obligations; an independent foreign policy and internal economic and social policy as a responsibility of the federal government; a commitment to creating truly democratic institutions which ensure the public's ability to participate in the decisions that fundamentally affect our nation; recognition of the evolving political development in the northern territories including the special potential for aboriginal governments; admission of the territorial governments with both voice and vote to the first ministers' club.

On the matter of the Charter, then, I recommend the following amendments and inclusions. These would be taken in order to implement at home the international obligations we have assumed through the Universal Declaration of Human Rights and the covenants on economic, social, and cultural rights and on civil and political rights. These should be immune to the notwithstanding clause, section 33. They are, enumerated: a commitment to full employment and the elimination of poverty through national and regional co-operative and collective processes; a commitment to aboriginal self-government, to decolonization, and to internal self-determination, and section 35 should be amended to reflect this; a commitment to Quebec's historic right as a distinct society, including acceptance, if necessary, of its possible future decision to pursue self-determination; a commitment to the advancement of women with the goal of achieving economic, political, and social equality; a commitment to the protection of the physical autonomy, security, and reproductive freedom of women; a commitment to the rights of children to a safe, secure, and nurturing family environment; the immediate entrenchment of sexual orientation as a prohibited ground of discrimination, an addition to section 15; the elimination of the two founding nations notion in favour of a statement recognizing two immigrant cultures' primacy and the aboriginal nations' contribution together with our current multicultural communities' contributions. Finally, the Constitution should guarantee the security of the family by ensuring economic autonomy for the primary care giver.

Thank you.

MR. CHAIRMAN: Thank you very much. Well, unfortunately, that doesn't leave us much time for questions, but if there are a couple of brief questions . . .

Yes. Ken Rostad.

MR. ROSTAD: Yes, Mr. Chairman. You mentioned that aboriginals need a constitutional base of power. Can you expand a bit? How do you see that? Are they a nation within a nation?

MS GREEN: Well, no. As an order of government additional to the current two orders of government, which would require substantial constitutional revision and all the complexities of the interjurisdictional conflicts. It is my view that it is, in fact, the legitimate claim of the First Nations that any exploration of our history and of our international obligations provides us with a moral obligation to get on with this as quickly as possible. There seems to be no real barrier to sharing power in this country. Certainly the status quo that we've used to date has not worked for aboriginal people or for Canada. I would see it as providing a land base, an economic base, and a portion of power – you may call it like a section 93, if you wish – which would recognize legitimacy within certain geographical boundaries for aboriginal governments.

MR. CHAIRMAN: There are several hundred bands in Canada. Would you conceive of each of them having that same right, or would there have to be some kind of amalgamation among them?

MS GREEN: Amalgamation seems reasonable. It can be done by cultural groupings, by treaty groupings, or by other kinds of voluntary political associations.

MR. BRADLEY: I have a question relating to the theme that you were developing regarding the environment and including as part of the environment the development and sale of natural resources. In the 1982 Constitution Albertans felt very strongly that because of the action of the national energy program, we had to strengthen Albertans' ownership and management rights regarding natural resources. What is your view regarding those natural resource rights which have been strengthened in the '82 Constitution?

MS GREEN: Well, I wouldn't challenge the province's right to own and sell within Canada its natural resources. What I'm suggesting is that this has to be congruent with our commitment to our environmental future, so no province, for example, could be permitted to engage in resource exploitation and sale that would damage the environment for future generations. For example, we can take a look at the James Bay 3 development, which arguably is going to have a significant environmental impact. Perhaps Quebec needs to reflect on the interests of other peoples and other generations before rushing ahead with this.

MR. CHAIRMAN: Thank you.

Bob Hawkesworth.

MR. HAWKESWORTH: Thanks. Joyce, first of all, you've covered an awful lot of ground. I hope we're going to get a copy of your presentation. Whether we could have you leave it with us so we can . . .

MS GREEN: You're getting a copy.

MR. HAWKESWORTH: Okay, good. I've heard of confederation, I've heard of sovereignty association, but I think you used a term I'm not really too familiar with: consociation. I wonder if you could just describe it or explain it.

MS GREEN: Well, there are people more authoritative than me for this; nevertheless, consociation is a constitutional and political recognition of the integrity of an ethnonational or regional unit or units which come together for the purpose of a national objective. Belgium provides us with an example of consociational democracy. Switzerland provides us with a little bit of a different example. So there are models in the international community which suggest that the rights of ethnonational or regional particularities can be incorporated without fragmenting the nation-state.

MR. CHAIRMAN: Thank you very much. One quick . . . Sorry, Bob. I had written down that word with a question mark myself, so I'm glad you asked the question.

MR. HAWKESWORTH: Maybe just as a follow up to that, you also mentioned a Charter amendment recognizing Quebec's right to self-determination. Do you see that as being a right to secede from Confederation, and if so, would that be something any province could have? How would you see that working?

MS GREEN: Well, arguably and logically the right to secede exists for any member that has chosen to join Confederation. I hate that term; it's not appropriate. Nevertheless, I want to put it on the record that I'm hoping Quebec will not choose this option. I think we should find ways to make it possible for them not to choose this option. Having said that, I believe that article 1 of both the international covenants attached to the universal declaration – and Canada is signatory to these – require us to respect the choice of self-determination for any valid constituency within our borders. Now, I know the dangers of this, because then arguably, for example, the Kootenay Nation or the Blood Nation could say, "Screw you, boys; we're going," and take the land base with it. I don't believe that's a practical solution, but it is a logical and legal conclusion to the obligations we have voluntarily assumed.

MR. CHAIRMAN: Well, thank you very much for your thoughts. We will share, by the way, not only your presentation but any others we receive with the other panel, which, as I mentioned earlier, is now in Red Deer doing exactly what we're doing but I hope in a larger room to accommodate the people who have come forward.

Greg Ranger.

MR. RANGER: Thank you very much for the opportunity to address you this afternoon. I only plan on taking a very brief period of time, hopefully something light and refreshing in your day. I'd like to bring it from a perspective of somebody who is politically active but is not associated with a specific party so that you can get that perspective in your cross section as well.

1:45

It is my firm belief that the political leaders in this country are creating great confusion over the subject of constitutional reform, not to mention the constant barrage of media following this wandering trail of inept verbiage. In order to reach a successful conclusion to this dilemma, it is necessary to step back from the confusion and analyze the situation. First of all, the majority of Canadians, in my opinion, are proud to be citizens of this country and given the chance will work toward greater unity. The era of political inequality among provinces and territories is drawing to a close. The right to veto should be given to all regions on an equal basis, and this must be reflected by the structure and the composition of the Senate. The key to constitutional alignment hinges on the need for additional rights or powers to be given to the provinces and the co-operation of the federal government in this process. Some of the ideas are reflected in the following editorial, which stresses the need for Quebec's political leaders to help their citizens. It is entitled Quebec: One of Twelve Geographical Nations in Canada. I chose the title because Quebec plays much on their nation within a nation.

What differentiates the Yukon from the rest of Canada? Is it the Inuit culture? Is it the lack of political power in the Canadian parliamentary system or perhaps the historical struggle to become a recognized governing body? In short, the unique attributes which distinguish the Yukon from the rest of Canada have as much inherent value as those which forge the cultural, moral, and political fabric of all the geographical nations in this country. For Quebec the struggle to retain language and culture amidst the growing influence of English North America and the harness of federalism has created political frustration and division. This struggle has been directed inward for such a long time that Quebec has neglected to look above the fight for unique status and additional rights for self-government to seek allies.

The problems that confront Quebec are as real in the other provinces and territories, though some of the titles may not be the same. Each province and territory of Canada is a geographical nation unto itself and deserves its own special or unique status and the political esteem, rights, and vetoes that are inherent in this designation. It is the composition of this great country that makes Canada what it is: the hearty Newfoundlander, the friendly Manitoban, the charming Quebecois. It is time for Quebec to rise above the fight to seek the allies it needs to win the battle and let the silent majority of its people feel the pride of being Canadian and the freedom of new status.

MR. CHAIRMAN: Thank you very much, Greg, for your brief presentation.

Questions or comments? Fred Bradley, Bob Hawkesworth.

MR. HAWKESWORTH: Thank you.

MR. CHAIRMAN: Fred first – I'm sorry – and then Bob.

MR. BRADLEY: Thank you for your presentation. In the third or fourth paragraph of your presentation you talk about two things: the right to veto should be given to all regions on an equal basis, and then you talk about the structure and composition of the Senate. I wanted to ask you about the first one, that the right to veto should be given to all regions on an equal basis. In which areas would you provide this veto? The current Constitution provides for seven out of 10 provinces representing 50 percent of the people in terms of the amending formula, and it's specifically put that way so that no single region by itself could have a veto. There are some parts of the Constitution where all provinces would have a veto. Could you elaborate on that?

MR. RANGER: Essentially, the important thing that I'm trying to stress is to allow areas that have minority populations the right or the ability to have their political views made known. Without getting into the intricacies of the present constitutional rights as they are, I would say that this is something that must be taken under strategic review, and they should analyze and consider which areas might be stressful in terms of a political situation. I think that some of the areas presently perhaps are lacking. I have not been afforded the opportunity to, you know, study this in detail. However, from what I've been hearing and seeing, I feel that there is a definite lack of feeling on the part of individual provinces that they are having a political say in what's happening.

MR. BRADLEY: Okay. The second area I wanted to ask you about that you talked about: you should look at the structure and composition of the Senate. Did you have any time to think about the triple E proposal, which I believe was unanimously endorsed by the Alberta Legislature? A number of people think it is the right way to go in terms of the Senate. Is that something which you would support, or do you have other ideas on the Senate?

MR. RANGER: No. As a matter of fact, I'm pleased with the presentation that has been brought forth by the province of Alberta with respect to the triple E Senate. I had the opportunity to do some studies on this particular subject in university. It is my belief that we need an upper Chamber that equally distributes the vote in this country, that has the ability to be elected by the people, and that comprehends all the ins and outs of the triple E Senate. I think it's a very sound proposal, and I would support it.

MR. BRADLEY: Thank you.

MR. CHAIRMAN: Bob Hawkesworth.

MR. HAWKESWORTH: Thank you, Mr. Chairman. Thank you for your presentation, Mr. Ranger. As you know, there's jurisdiction differentiation within the Constitution. Some powers are exclusively federal, some exclusively provincial, and then there's an overlap in others. I kind of take from your presentation this afternoon that you have a lot of sympathy for the proposal put forward by the Allaire report in Quebec that there would be a fairly massive decentralization of powers to the provinces and that the federal government should vacate its areas of shared jurisdiction. Now, that's just my impression from your presentation, so I'm sort of asking you the question: do you have some sympathy for the proposal from Quebec, and if so, do you have some thoughts about where the dividing line should be in terms of the two levels of government?

MR. RANGER: Yes, thank you, a very good question. Indeed, I do have some specific ideas with respect to this. In my opinion, they have gone somewhat in the right direction in seeking additional powers to be given to provinces. However, I don't totally agree with the extent to which they have sought additional powers. In order to maintain a solid federal government, it is necessary that certain jurisdictions remain within the power of the federal government in order to govern the nation. However, I think Quebec is playing too heavily on this subject. I think if they look at the general majority of their people, they are happy to be Canadians. However, there is a need within Quebec for them to feel that they are unique, which indeed they are in their own way. But we also as Canadians in other provinces have that same need to feel unique because we are, and I think the major fault with the Quebec government is their lack of recognition of other provinces as unique.

MR. HAWKESWORTH: If we had stronger provincial governments, would you feel the same need or pressure for a reformed Senate in order to provide that regional voice at the federal centre?

MR. RANGER: I still feel that the triple E Senate would be an effective means of a second House. In my opinion, it is necessary that the Senate itself is composed in a different fashion. The first House has representation by population and does not have an equal representation of voices within the government itself. I feel that we need a more equal representation within the second House, as it is there for reflective sober thought and second opinion. However, I am not sure to what extent any additional powers should be given to the Senate. I think that requires careful reflection.

MR. HAWKESWORTH: Okay. Thank you.

1:55

MR. CHAIRMAN: Thank you. Well, on that particular point, having chaired the Canadian committee on behalf of the Premiers looking at Senate reform and talking about the triple E Senate, the most difficult E was going to be the "effective" E. That's the point you've really touched on just at that moment. Thank you very much.

I want to just ask you to give a thought to doing this. You mention a change in the distribution of powers and rights. I wonder if you would mind just thinking that through a little more and dropping us a line. If you gave us your views as to where the line should be, it would be helpful to us. One of the presenters we had in Camrose did just that, and it was quite an interesting diagram that we received from that particular presentation. So please don't consider this to be your last opportunity to give us your advice.

MR. RANGER: No. I thank you very much, and I will take the opportunity to study those lines and send you something, and hopefully it will be helpful to you.

MR. CHAIRMAN: Yes, it's very useful to do that, and I know it's tough to do that in a 15-minute presentation but please – and anybody in the audience for that matter – this is not the end of the consultative process.

Thank you very much, Greg.

MR. RANGER: Thank you.

MR. CHAIRMAN: Ian McKenna.

MR. McKENNA: Thank you, Mr. Chairman. I am here as an individual on behalf of no one other than myself. I had a copy of my paper given to the secretary. It's a very short one, and it will be available to you.

My recommendation is that the Constitution of Canada be amended to entrench certain rights of Canadians in the workplace. I recommend this for the following reasons. Perhaps the most obvious one is that work is not only an important activity in itself, but it's the whole basis of many other economic and social benefits in our society and should get special treatment. Secondly, it's a reality in Canada that in spite of the political democratization of Canadian society over the past century, the workplace remains by and large undemocratic, imprisoned, in my view, in the obsolete ideologies of Frederick Taylor and the management rights doctrine. This is illustrated by the following quotation. I'll give you the quotation, and you can guess who said it: we complain about government involved in business, we stress the advantages of free enterprise, we complain about the totalitarian state, but in our individual organizations we have created more or less of a totalitarian system in industry, particularly in large industry. Now, is that a radical raving of Karl Marx or even Ralph Nader or Bob White? No; it's from the former chairman of the board of Sears, Roebuck, no less, General Robert E. Wood.

I would submit to you that that totalitarian state does exist vis-à-vis workers, not only in big business but in big government. It seems to me that big government bureaucracies treat their workers in the same undemocratic way. The result of this is that many Canadian workers, including unionized workers, have no protection against unfair dismissal – you know, you wear the wrong colour of shoes and you can be out the door – are subject to intolerable levels of stress and risks of injury and actual injury; are still not paid equal pay for work of equal value in Alberta and other provinces, but not all; can still be mandatorily retired in some provinces. But this time Alberta is, in my view, on side on this and has changed its legislation, but in many other provinces – Ontario, for example – mandatory retirement: you can be out the door just because of your age. Many workers are still discriminated against by reason of their sexual orientation in most Canadian jurisdictions, and so on.

It must be noted here that the Charter of Rights and Freedoms as it stands now has proved particularly ineffective in entrenching the rights of workers outlined above and many more. It has been virtually a nonevent, more or less the way the Bill of Rights was perhaps in its own day just a nonevent.

Now, the absence of such protection of basic rights for many Canadian workers is particularly reprehensible in my view when we consider that Canada is a signatory to the Universal Declaration of Human Rights and a host of International Labour Organisation conventions and protocols, et cetera. We sign them and we even take a lead in getting them signed. These, as the committee is well aware, represent obligations of Canada in international law, but as things stand, they confer no rights on Canadian workers until they are entrenched in domestic law. This is particularly problematical in Canada at the present time, where international treaty-making is a federal jurisdiction but employment matters are by and large a provincial responsibility. The result is that there is no effective way in translating the theoretical rights of workers as acknowledged in international law into tangible rights under provincial employment legislation.

I'd like to give just three brief illustrations of this reality that we can't easily translate these international rights into domestic law. Recently the International Labour Organisation declared unlawful Alberta's restrictions on strikes and restrictions on arbitration in the public sector, our Public Service Employee Relations Act. Well, the ILO can declare all it likes, but if the Alberta government chooses not to do anything about it, which it has done – it has done nothing about it – then these Alberta workers are not given the international rights that they're supposed to have.

Secondly, Canada has an international obligation to implement equal pay for work of equal value. I look around at Alberta again, and I find – and this isn't bash the Alberta government day – a refusal to legislate it. It's legislated in most Canadian provinces but not in this one. So to me there is a problem.

Finally, Canada's international obligations require the protection of workers against unfair dismissal. Although Parliament implemented this for workers falling under the Canada Labour Code, the majority of Canadian workers, including Alberta ones, still lack this protection. You get it if you're in a union, of course, because you negotiate it, but the majority of Albertans are not in unions and simply don't have any effective protection. These are examples and are part of my case for change.

As a result of this – I will make this brief, and you may want to ask some questions – I propose the following. First, I propose that Canada does remain at the forefront of developing and promoting the passing of international standards for workers. We've been good at that. Unlike the United States, for example, we signed those things and we try to promote them.

Secondly, I propose that a process of federal/provincial labour and business consultation be undertaken prior to Canada's ratification of such standards. Now, this may go on – I'm sure it does go on behind closed doors – but I'm unaware of it, and I guess what I'm saying is that when we're looking at the area of international standards for protection of the workplace, we should have this kind of public discourse, not behind closed doors but involving business, involving labour, and getting people committed to a process of generating those ever changing standards.

Thirdly, I would propose that the Canadian Constitution provide that once an international standard is ratified by the federal government – and I believe it should continue to be the federal government – both the federal and provincial jurisdictions should have a fixed period, perhaps two or three years, to enact domestic legislation implementing the international standards. We've got to find some way of getting those international standards which we've agreed upon at the international level into domestic law. I would suggest that the provinces should be given two or three years. This would have to be entrenched in our Constitution.

Fourthly, if a province fails to do so, then I would propose that federal legislation would automatically become law. I'm assuming that the federal government will legislate in the area in which they have signed an international treaty. They usually do. If a province doesn't get on side, then that will become the prevailing law automatically written into the province until such time as the province decides it wants to come up with its own legislation.

2:05

Finally, if the federal government and the province fail to enact the appropriate legislation sustaining the international standards, then workers can avail themselves of the protocol attached to the International Covenant on Civil and Political Rights of suing the governments for failing to meet the covenant's guarantees on those matters. This remedy shall then be upheld pursuant to a constitutional amendment recognizing that this nation state will be bound in such cases. In other words, what I'm saying is that if the federal government decides to sign these international conventions, which I believe it should do, then unless it seriously enacts them, individuals will have a right to bring personal action against the appropriate federal or provincial government.

In conclusion, I would suggest that these are necessary because the international standards are really, in a sense, minimums that we have agreed to as being necessary in a democratic society, and we're not meeting those minimums. The provincial governments particularly fall short of them on many occasions, and I would like a constitutionally protected way of ensuring that these are brought into provincial law.

That's my presentation.

MR. CHAIRMAN: Questions or comments?
Pam Barrett.

MS BARRETT: Yeah. I missed the first minute or two of your presentation. I was outside; I could hear part of it. I just want to ask you one thing. You talked about workers' rights, pay equity, protection against discrimination for sexual orientation, and these other things. Are these currently conventions of the ILO?

MR. McKENNA: Sexual orientation isn't.

MS BARRETT: That's what I thought.

MR. McKENNA: Right. It is not. That was one that I slipped in myself. I would suggest, though, that it be part of this. In fact, my suggestion for that is that Canada take the lead in getting this passed as an international convention. All the others that I gave as examples – unfair dismissal, right to equal pay for work of equal value, and others that I didn't mention, like right to strike, right to arbitration, and so on – we have indeed ratified conventions on all those matters.

MS BARRETT: That would have been my next question. Thank you. You answered two in one.

MR. CHAIRMAN: Do you have a supplementary?

MS BARRETT: No. He answered it. I was going to say: now, did Canada sign for all of these?

MR. McKENNA: Yeah.

MR. CHAIRMAN: Any other questions or comments?

MR. McKENNA: Can I just briefly say that I think it's absolutely vital, particularly in the context of free trade and the way that we see that heading. The United States is a particularly bad example in terms of implementing international standards. It just simply doesn't do it in international labour standards, and I do fear that as we get closer economic union with the United States, there will be greater pressure in Canada to continue to ignore those.

MS BARRETT: Has the U.S. also signed all of these ILO . . .

MR. McKENNA: Very few. The United States is an incredibly bad example of that. It typically doesn't, partly, I think, because of its federal structure and so on. But in labour matters it shouldn't be a problem because labour matters are a federal jurisdiction down there. But I do believe that's important.

MS BARRETT: Interesting. Thanks.

MR. CHAIRMAN: I think it's fair to say that one of the main concerns about the U.S. ever entering into international treaties has been its reluctance to surrender its sovereignty of its nation to international organizations. That, of course, is something that brought about the defeat of the League of Nations after the First World War.

In any event, thank you very much for your presentation.

Jane Schultchen.

MS SCHULTCHEN: Good afternoon. I'd like to thank you for the opportunity of appearing before this committee. I think that one of the good things about this whole Meech Lake debacle and our constitutional crisis is that finally ordinary Canadians are waking up to what's going on in their country and learning about the constitutional process.

Today we are considering Alberta's place in a new Canada. To do this, we must define both what we want this new country to be and where we will fit into it. The task seems daunting, but I believe that if we approach this redefinition with positive attitudes and opened minds, seeking to build rather than destroy, we will succeed in making a better, fairer country. Tolerance and knowledge must become the blocks we use to build our country. As we approach constitutional reform, we must display tolerance and understanding not only to each other but also towards our country.

There are those who talk about Canada strictly in terms of economic gain or loss. There are those who contemplate the breakup of their country, the loss of the pioneers' dream and our children's inheritance without a twinge of regret. It has become somewhat fashionable to slander this country, to simply state "It does not work" instead of asking what we should offer our country and our communities. Canada is more than a series of social programs and subsidies. Whatever its faults, it is our country, a country which for the most part nurtures and protects its people. Yes, this country needs reforms, but the reforms must be done as attempts to reach out to others rather than to erect new borders and customs stations. Cynicism, misunderstanding, and despair threaten to destroy Canada, but we owe it to our children to build and improve their country.

On page 2 of my written text, I mention the tendency of Canadians to feel insecure and doomed to failure, and I mention a book by Dominique Clift, *The Secret Kingdom*. I won't read those quotes here, but there certainly is a vein of pessimism and insecurity in Canadian society. We expect Team Canada to choke in the third period. We're used to watching smart, well-educated people leave to go after the American dream. On a more personal note, we may choke on rage towards politicians that do not seem to understand us, be frustrated in our search for jobs and a decent life, and yet resign ourselves to the inevitability of disappointment. Perhaps we see this sense of national inferiority best in the search for a national identity, which involves evaluating our country by what people in other countries think and includes rigorous self-assessments to discover what makes us different from people in other countries, what traits are pan-Canadian.

But a country need not be uniform to be viable. Differences can breed tolerance, imagination, and flexibility into a country as long as this premise remains: that the nation itself is worthy of respect and tolerance. Our national identity may not be overt, yet Canada exists within each citizen. We need to stop comparing ourselves with other nations and move towards a more positive form of nationalism. We can only accomplish this by choosing to build a country, by making its institutions and economy fair and relevant to all of us. We must fight the despair that comes from being powerless. We must believe we can find new ways of doing things. Unless we believe success is possible, we will not work to achieve it. Start your constitutional position from the premise that we will succeed in not only keeping this country together but also in making it a place where we can live full and satisfying lives. I am offended by those who say, "The future is decided, so let's get on with splitting up our country; let's get the best deal for ourselves that we can." Why should we negotiate our country's destruction when all the options have not yet been explored? Why rush to destroy our country?

Two great obstacles facing Canada are increasing acceptance of intolerance and the movement toward erecting barriers between people in this country. Separatism in all its forms is often used as an excuse to create a society with narrow parameters, one that fits a certain vision and protects those who espouse it from outside influences. This shift towards separate visions of smaller, homogeneous Canadas can be seen in various parts of the country both inside and outside political parties. It expresses itself mildly in the assertion that official bilingualism doesn't work and viciously in the burning of Quebec and Canadian flags.

2:15

As I mention in my written submission, the quest for a homogeneous and therefore more manageable society is dear to the hearts of many politicians in this country. Bilingualism attacks the vision of a homogeneous society, and its benefits lie not so much in the ability to speak two languages but in the ability to know that other points of view exist and perhaps to understand other points of view. Perhaps this is the real reason some people are opposed to bilingualism. Canada challenges us to give up our narrow viewpoints and work toward a better future. There still is common ground among the people of Canada. The exchange that took place recently between the people of Wainwright, Alberta, and Marieville, Quebec, shows that Canadians can understand and reach consensus with each other if they get the chance. Polls such as the CBC/*Globe and Mail* poll of April 23, 1991, illustrate that Canadians are attached to this country and reveal the need to be imaginative and flexible in our approach to constitutional reform. We cannot insist that our individual visions or those of our political parties are the only ones with merit. No one person or group can speak for whole regions of Canada. The self-proclaimed voice of English Canada does not speak for me, and I doubt that Quebec's nationalist politicians speak for everybody there.

Many Canadians are disillusioned with the country as it now exists. The citizens' forum interim report shows that just as there is a concern about the willful destruction of our national symbols, there is a belief that the country must provide more equal opportunities for its citizens, and there is anger, disillusionment, and a desire for fundamental change. We may love our country as it is, but we cannot insist that it remain the same.

A country is a living collective of people, people who create constitutional and economic arrangements with which they can fulfill their dreams and use their talents. We need a Canada where all regions are strong, where all people have the opportunity to live productive, satisfying lives, where we do not need equalization payments anymore, and where most of the money we now have to spend on unemployment insurance and social assistance can be spent on education and culture. Canada must be a federation that generates surpluses not deficits.

Many national leaders, including Mulroney and Chretien, have accepted the idea of constitutional reform, but it's clear that other changes are necessary too. This country needs industrial restructuring, more research and development, and a revamped education system that will produce both technically skilled employees and astute citizens. Education is crucial to Canada's survival. We can't build a better future for ourselves without a skilled work force, nor can we move to a more grass-roots democracy or ask citizens to decide their country's future without good education and accurate information. We applaud the concept of great democracy, but its benefits won't materialize if misconceptions are not challenged. Populist movements easily go astray and become mob rule if citizens do not have the skills to evaluate what they hear or do not get accurate information. How can Canadians make good decisions about their future if they can neither understand each other nor their own history?

Canadians lack basic facts about their country. For example, a recent poll done for the heritage project found that only 62 percent of those surveyed knew Newfoundland was the last province to enter Confederation. The heritage project may yet become an excellent educational resource for Canada, but I believe we need to completely re-evaluate our education system, and we will need governments to do this. As well as career training we need programs that build tolerance and civic responsibility, that encourage us to get back to our communities, province, and country. We need to inculcate a sense of national pride as opposed to more isolationist and negative forms of nationalism that sprout up in this country. We need a trained, competent work force.

Education is within provincial jurisdiction. I'm aware that provinces are unlikely to give up areas within their jurisdiction in the near future or until hell freezes over. In fact, regional history and economies may best be served by having provincial control of curriculum, but surely voluntary agreements to share resources and voluntary national standards could help produce programs we need to build this nation and give us a more efficient education system. A nation is people. Nation-building involves developing the citizenry far more than it does making laws and dividing up powers, even if the process of making laws and dividing up powers is called constitutional reform. If we work on developing Canadians, Canada itself will be a success. Let's challenge ignorance and intolerance. Let's work to make Canada prosperous.

So, we're back to the original question: Alberta in a new Canada? By all means. The kids are counting on it.

MR. CHAIRMAN: Thank you very much, Jane, for your thoughtful comments today. Your depth of understanding of Canada and the issues facing us is quite remarkable. Just a comment on the process, and then Yolande.

I guess the Constitution of Canada was amended – how many times before 1982 when it was patriated to Canada? Can anybody tell me? I'm not sure, but a multitude of times. And how many times were Canadians in any way consulted on that process? None at all in a process like this. It was always done by the federal Parliament. Sometimes the provinces weren't even consulted. The federal Parliament passed an Act. It went over to the House of Commons in the United Kingdom and got the amendment they asked for.

So in 1982 it came to Canada. The new amending formula was put into the Constitution, and then we as Canadians had to find a way of going about getting into the process. We're in that process now, and so we're learning about it as we go along. Now, obviously the Meech Lake thing was a failure; the process was a failure in the minds of Canadians. So we're now working through a new process, and part of that process is this type of meeting and discussion with Canadians. So I appreciate you coming forward and being frank. It's exactly that type of exchange that we do need as elected representatives, so we can then move on to get the kind of Constitution that Canadians really want.

Yolande, and then Bob Hawkesworth.

MRS. GAGNON: Thank you. Jane, I think you've presented a very generous vision of Canada, and I think we all know that you're absolutely right that no one province is homogeneous. I mean, Quebec is not made up of people who are all identical any more than any other province is.

You support bilingualism and multiculturalism. I wonder if you could expand a bit on your understanding of multiculturalism. People say they either hate it or like it, but they often don't define what they mean. I wonder what you mean by that.

MS SCHULTCHEN: My vision of multiculturalism assumes that people who come to this country will love this country and respect the right of this country to preserve itself and will work and offer something to their communities. I can't accept a form of multiculturalism – I don't really know if it does exist, but perhaps on the part of some people it does, and it is certainly an appearance that it does exist – where it's just a series of government handouts. I have no problem with the concept of bilingualism – I think that enriches us – or multiculturalism; I think that enriches us too. But where the problem lies is when people in the country start to slander the country and bite the hand that feeds them. That's probably overstating it, but that's basically where I'm coming from there.

2:25

MRS. GAGNON: Thank you.

MR. CHAIRMAN: Bob Hawkesworth.

MR. HAWKESWORTH: I agree with you that if we don't have a wellspring of tolerance within the country, we're probably not going to make it and in fact there would be no basis for a nation anyway. But I think our history has shown that despite our differences and even severe disagreements, that residue of goodwill is there. In our hearings we've heard from many Albertans, certainly a number of them, that everybody should be treated equally in Canada; all citizens should be equal regardless of race, religion, creed, where they come from, language, and so on. I think that's a good principle, but how do we balance that off with our diversity and recognizing differences without maybe creating two different classes of people?

MS SCHULTCHEN: How do we balance equality and fairness? Is that what you're asking?

MR. HAWKESWORTH: I suppose that's another way of putting it, certainly with the diversity.

MS SCHULTCHEN: Okay. I try to treat all my children fairly. I do not treat them equally. The concept of equality does not necessarily mean fairness. I have great problems with the idea of taking away from people rights that already exist, taking away French minority language rights outside the province of Quebec, taking away English language rights within the province of Quebec, not treating Metis and aboriginal people fairly. I'm afraid that at times the concept of equality becomes almost a concept of tyranny. I don't have the wisdom of Solomon, but we have to find a way as a dominant culture of not riding roughshod over the rights of minorities. At the same time, I think if the concept were there among all Canadians that we were contributing to the country, there would be less of a problem.

MR. HAWKESWORTH: I appreciate that. Do you think that in the interests of fairness instead of equality, certain powers might be applied to Quebec or granted to Quebec to recognize its situation that might not necessarily be applied in the rest of the country?

MS SCHULTCHEN: Why don't we sit down and look at it? Why don't we be pragmatic? Whatever works. I've noticed in the political process that there seems to be an attitude of: we'll take a position, they'll take a position, and then we'll sit across the table and butt heads for a while. To me that seems to be entirely the wrong way of going about it. We should take a tentative position and they a tentative position, we should dialogue for a while, go back and continue dialoguing and reevaluating our position, and we should always be willing to learn. If it turns out that this a necessary thing we will have to do, then perhaps we should consider doing it.

MR. CHAIRMAN: Thank you very much.
Gary Severtson.

MR. SEVERTSON: Yes, Jane. You mentioned that you think we should have a national standard for education. If you had your choice, do you feel it should be under provincial or federal jurisdiction?

MS SCHULTCHEN: Okay. I think it is a co-operative area. I am afraid that a completely national education system would completely obliterate local and provincial history in parts of Canada. This year one of my children spent a large portion of his school year discussing the history of Lethbridge and this province and learning about Hutterites and that thing. I'm afraid that somewhere along the line there does have to be provincial input. Also, the economies of the provinces are different, and more money may be needed to be allocated to different professions in different provinces. Certainly Quebec is never going to accept absolutely the same curriculum as the rest of the country. But there's a lot of work provincial education ministers could do together. I think they could definitely work on something. They could share resources, they could maybe even share textbooks, but there's a lot of work they could do together without forcing anybody to do anything.

MR. SEVERTSON: So more or less have it as a get-together to get a national standard but have provincial . . .

MS SCHULTCHEN: Work together. Change the entire mindset from this is my power and this is your power. Our job is to serve the people, so let's do the best job we can. If this power is one you should have, then you should have it; if this power is one the federal government should have, then they should have it.

MR. CHAIRMAN: On that particular point, it may be interesting to you and the members of the audience to know that the Council of Ministers of Education for Canada, which is not a well-known body to people outside educators' circles, meets on a regular basis. John Gogo, as the Minister of Advanced Education in this province, is a member of that council. Quite recently they did agree upon a uniform system of student evaluation for Canadians. Every province agreed to that, and it was led by Quebec and Alberta putting together the process by which student evaluation would be achieved.

Now, Ontario has some qualifications about that yet, so they've sort of withdrawn their support at the moment. We're hoping to persuade them to come back in. But that's a good example of what you're suggesting needs to be done. It's interesting to note that Quebec was very anxious to be part of that and actually took a very lead role in developing the standards for evaluating achievement. So that's an interesting point.

Well, thank you very much for your thoughtful presentation.

MS SCHULTCHEN: Thank you for the opportunity to speak.

MR. CHAIRMAN: Dr. Ernest Mardon. I met Dr. Mardon years ago. I don't see him in the audience today. Is he by any chance . . . If not, Aruna D'Souza.

MS D'SOUZA: Good afternoon. Thank you for the opportunity to speak here today. As Canada the nation it is now continues to search for Canada the nation it will become, many groups and individuals need to speak up to express their particular concerns and interests. In this way the process of Constitution-making may begin to reflect the diversity that characterizes this nation. Our country's Constitution may be seen as our will. These words are an expression of the direction and philosophy we set for Canada. It is necessary, then, that these words reflect the will of the citizens of this country. It is with this in mind that I am pleased to take the opportunity of addressing you on behalf of the Alberta Status of Women Action Committee, Lethbridge branch.

In the case of women, the special needs of this "interest group" will affect this country profoundly. Women represent over 50 percent of the Canadian population and take active part in the social and economic machinery of this country. As primary care givers in the family unit, as 82 percent of lone parents in Canada, and as 44 percent of the total labour force, women will affect Canada to the core of its social framework and its economic activities. This brief will address the topic of health care issues as they affect women, dealing specifically with the potential effects of constitutional reform on women's place in society. It is by no means a technical document, nor does it present desired outcomes of constitutional reform; rather, it will present issues of particular concern to women that should be taken into account when any changes are considered. It should be noted as well that it does not address the special needs of all women. We do not purport to represent the additional special needs of aboriginal women, disabled women, women of a visible minority, or immigrant women, although all the issues presented will affect practically all women.

As primary care givers within the family, the health choices presented to women affect not only themselves but their partners and their children, and health services and access to those services for the whole family are of paramount concern to women. As well, women and children make up the largest proportion of Canadians living in impoverished conditions. It is in these regards that the first of our issues is raised. It is necessary to preserve a standard level of health care services and access to those services, including and perhaps especially with respect to reproductive health services for all Canadians. This access to safe, adequate, and effective health care should be seen not as a privilege but as a right for all Canadians as part of Canada's commitment to provide the opportunity for every person to achieve an adequate standard of living and a high quality of life. I see those two as sort of separate issues but interrelated. In a broader sense, then, it would seem necessary to include such a commitment as part of our direction for Canada and thus included in our Constitution and Charter. Such a statement of principle may include the promise of our nation to work towards the goals of full employment and the eradication of poverty and the guarantee of access for all Canadians to the economic and social infrastructure of the country regardless of race, creed, religion, sex, disability, age, or sexual orientation.

2:35

This statement of principle is one all Canadians can ascribe to and one women cannot compromise, for it is in this commitment, expressed by all Canadians by including it in their Constitution, that we as a nation may start to work to correct the inequalities that still exist. Why do women and children make up such a large proportion of poverty-stricken Canadians? Why are certain ethnic groups harder hit by unemployment? Why is our aboriginal population living on reserves suffering diseases such as tuberculosis which in any other part of the country would cause a national uproar? Why are certain medical procedures such as abortion available only to women who live in the right part of the country or in the right part of town?

You may have noticed that up to this point I've been using a definition of health that perhaps is broader than usual. I have included physical and economic and social connotations in the definition. This, too, goes back to the original statement of principle. It is in the recognition that health care goes beyond treating a broken leg and that the economic well-being of our families is a form of preventative health care that we come to understand the necessity of ensuring that all Canadians are able to participate in the economic and social life of our country without discrimination. It is in this entrenchment of social and economic rights in the Constitution through the Charter that we take the first step towards equality. The second step comes through the guarantee that no one shall be discriminated against because of race, creed, religion, sex, age, disability, or sexual orientation. This task is almost complete except for the "or sexual orientation" part, which seems to me quite obvious. The result is a theoretical equality of all Canadians in the activities of our society. The Charter guarantees to all the right to life and security of person.

Given these guarantees to women of equality within society and equal access to social and economic aspects of society, the next issue to be raised is this: women as equal members of society should share equal rights with regard to matters of reproductive health. What does this call for reproductive rights mean? It quite simply means that just as a man should not be forced to have a vasectomy given his right to security of person as guaranteed by the Charter, a woman should not be restricted or compelled in her choices when it comes to matters of reproductive health. Any type of restriction or compulsion would imply that somehow women are less capable of making this decision. The right to make one's own reproductive health decisions is implied in the recognition of equality and the right to security of person. It must not be forgotten in further discussions.

There has been talk of including fetal rights as part of the Charter, and to this we react in horror. The inclusion of the rights of a fertilized egg in the Charter completely undermines the rights of over half the Canadian population. Not only would women then be restricted in making their own health decisions like any other capable, intelligent human being, but this restriction would go beyond the point at which a woman becomes pregnant to the whole period of pregnancy. The inclusion of fetal rights brings up the possibility of monitoring pregnancy and the suppression of rights of women while they are pregnant in order to protect the rights of the fetus. The inclusion of fetal rights would reduce women to being viewed and treated as mere vessels of procreation, period.

If there is a recognition of the rights of women and indeed all Canadians to determine their own reproductive decisions, as implied by the Charter through the proposed changes, then one next must examine access to reproductive health services as part of the guarantee of nondiscriminatory access to Canada's social and economic infrastructure. It is in this respect that the structure of our nation must be taken into account. As part of the current federal spending powers in the realms of social programs and health care, the central government has been able to ensure that some standardization of programs already occurs nationally. These powers have provided leverage in such cases as British Columbia's attempt to arbitrarily deinsure abortion. Because of the federal government's financial involvement in the health care program, they were able to prevent this attempt to override women's rights to universal access to necessary medical procedures. In this way a central government with strong powers in the area of health care or, at the very least, strong cooperative powers with the provincial government is very important. It safeguards women against the smaller, parochial, regional interests that may characterize provincial and local governments as well as provides a national standard in health care that will ensure universal and equal access in reproductive and other health procedures.

This standardization hopefully will go a step further, ensuring that access to a procedure like abortion is not determined by where a woman lives. For example, the number of physicians who perform this medical procedure in the medium-sized rural Conservative community of Lethbridge, with a population of 60,000 people, will be reduced to one as of July. This is not universal access. The reasons for this mainly are two: first, doctors do not feel they are protected under current legislation in performing this procedure, and second, there are few procedures other than abortion in which the morality and religious convictions of the doctors themselves play a part in access to service for Canadian citizens.

If the Charter were to ensure that social and economic rights would be enjoyed by all Canadians, it is felt that a central government with strong powers in these areas would be necessary to ensure that these rights are put into practice, first of all, and, second, that the central government may be able to smooth out regional disparities occurring across the country.

It is the position of the Lethbridge branch of the Alberta Status of Women Action Committee that Canadians must be guaranteed social and economic rights and these rights must be held by all citizens without discrimination. Part of these rights is access to safe, adequate, and effective health care that is available to everyone, and part of this health care is reproductive health procedures. Whatever changes result from the conversations taking place throughout the country to determine the future of Canada, they should not undermine these rights or the hard-won position of women in our society. This means protecting a health care system to a national standard.

What we as Canadians must remember is that putting these high ideals of equality and respect for every person in the Constitution will by no means have the effect of social justice unless we take the responsibility through our social, economic, and political institutions to ensure that these rights are implemented through these same institutions. By simply stating these ideals as rights of all citizens, however, we are taking the first step.

Thank you.

MR. CHAIRMAN: Thank you very much.

I just want to make a brief comment. I'm always intrigued by the presentations which say there should be national standards which the federal government sets for various fields, be it education or health care, et cetera. I'd like you to respond to me as to how the provinces then can guarantee that the federal government will continue the funding that is necessary to have the provinces or the municipalities or the other agencies carry that out.

MS D'SOUZA: Guarantee the funding to the provinces or the local agencies?

MR. CHAIRMAN: Yes.

MS D'SOUZA: Obviously, part of the question is funding and that perhaps local and provincial governments do not have the funds necessary to make reproductive health services accessible to all people. I think what we have to do then is prioritize, because obviously money is not coming out of our ears, nor am I trying to imply that the federal government has the financial answers to all the problems. But if we as Canadians can say that our goals, through a statement in the Charter of Rights, are to provide social and economic rights to all Canadians, that in turn sets our priorities and our legislative priorities subsequent to that.

So if we're saying that we are deinsuring abortion procedures because the provincial government doesn't have the money to pay for it, well, why in particular are those procedures being deinsured and why are we not looking at the whole health care system? I tend to think that the reasons that problems such as deinsuring abortion come up are not because the province doesn't have money – although obviously everyone's caught in financial worries these days – but because of other factors. A lot of those factors have to do with the position of women in society, and a lot of those factors have to do with what the government sees as valid medical procedures.

2:45

MR. CHAIRMAN: Okay. I wasn't trying to target that particular issue, which is obviously a very controversial one, but the broader issue of the federal government moving into a field which is now in the Constitution for the provinces to carry out. Starting it up with seed funding and then withdrawing the funding, leaving the provinces to fund it: that's a real difficulty. I just wondered how you'd respond to that.

Yolande.

MRS. GAGNON: It's the third time this week that we've heard about the concern that fetal rights might be included in the Constitution. I don't want to get into a big debate about abortion or turn this into that kind of a discussion, but could you clarify for me: is there any point at which the Status of Women Action Committee would recognize that the right to existence of a viable fetus – let's say a six and a half, seven-month, eight-month fetus, someone that could live on its own outside the mother's body – might depend more on whether the mother wants it or not? That's what seems to make this being, this fetus, dependent on being a human being or not: whether the mother wants it or not. If she wants it, it's a human being; if she doesn't, it isn't. So have you really looked at that very, very carefully? I know you're looking at women's rights, and that's a valid thing.

MS D'SOUZA: Right now the current legislation, I believe, is three months. I think that's correct, that abortion of a fetus is legal up to three months. The position that I feel comfortable taking right now is that women have the right to make that decision for themselves right now. I don't know if there's a case of a woman at six months being able to say – I don't even think the medical procedure is viable at that point; you can't do it beyond four months. You actually can't physically perform an abortion after four months, so I don't even know that that's a relevant question.

I mean, what we're talking about as well is a mother who has a child two years old, which she wasn't ever planning to have or expecting to have, saying, "I don't want to have that child." Obviously, the child doesn't exist after that point, but maybe we can work sort of earlier in the steps to hope that that doesn't happen.

MRS. GAGNON: Just to clarify, I think I'm right by saying that right now in Canada there are no laws as to the time in the pregnancy at which one is then prevented from having an abortion. I think it's wide open right to the ninth month. Am I not right? Mr. Rostad, you must know. I'm sorry. But there are no limits right now on when a woman in Canada can have an abortion, are there?

MR. ROSTAD: Not a legal limit; there is a medical. It's at the discretion of the medical practitioners.

MRS. GAGNON: Yeah, but not legal; right. Okay. Thank you.

MR. CHAIRMAN: Well, this is a sensitive issue, not that we're afraid of dealing with sensitive issues, obviously, because we're dealing with the life of the country. But in terms of constitutionalizing issues of this kind, I think that the discussions could become very difficult within the Constitution of the country.

Okay. Well, thank you very kindly.

I think it's time for us all to stretch our legs and have a bit of a coffee break. Then Mr. Dick will be the first presenter after we resume.

[The committee adjourned from 2:49 p.m. to 3:07 p.m.]

MR. CHAIRMAN: Order please. I'd like to resume, and I'd like to ask Henry Dick to give his presentation.

MR. DICK: I'm a semi-retired farmer and an ex-vet from 1942-46. I've served on a number of farm committees and organizations, so while I'm only speaking for myself, I think I'm qualified to speak for the rural areas of southern Alberta like Vauxhall, Enchant, Hays, Taber, Coaldale, Vulcan. I didn't know what to expect, and I just wrote up a short brief. This is my personal belief, and this is what the people that I have coffee with every day of the week tell me is what they would like to see.

I believe in a strong federal government. A federal government should be in charge of defence, national trade and commerce policies, immigration, and research. It should set equal standards across the country for the environment, health services, schools and universities, but it should be administered by the provinces. There should be no interference by the federal government in the development by the province of natural resources, such as the Oldman River dam. After it's halfway built, they appoint a committee to see if it's any good.

There's got to be a definite change in the parliamentary procedure, such as a free vote without bringing the government down, and an effective triple E Senate. Now, the reason for a triple E Senate is that you've got to get away from handing out political favours to your friends once you look like you're facing defeat.

There should be a change in the Supreme Court as to whether judges are appointed for a five-year period rather than a lifetime. They should be questioned and supported by the parliamentary system like they are in the States, although I don't agree with a lot of things in America.

Immigration should reflect the economic policies of the government and be for the benefit of the country, not for the benefit of the immigrants. Illegal immigrants should have one right, which is to be deported within 24 hours. For example, this fellow in Edmonton; he should have gone back a long time ago.

MR. CHAIRMAN: Sorry, Henry. Which one in Edmonton?

MR. DICK: Well, the killer.

MR. CHAIRMAN: Ng. Oh, I'm sorry.

MR. DICK: Before I go on with the immigrants, I would like to say that I myself came to this country as a boy with my family in 1926 as refugees from Russia, and we lived in southern Alberta most of the time. At that time we came in with the agreement that my father couldn't take any other employment except farming, so there was no way that he could get a job in town and become a welfare case.

Immigrants should not be covered by the charter of human rights until they become citizens of Canada. All Canadian citizens should have equal rights regardless of colour, race, or religion. When you're looking for a job, to get that job should depend on your capability to be able to do it, regardless of who you are or what you are.

I believe the Indian department should be abolished as of today or within the next 10 years, if not sooner. All land and other claims should have been settled a long time ago, and we should get on with it. The natives should have self-government on their own reserves and under Canadian law, after which they should have equal rights and equal responsibilities the same as the rest of us Canadians have, such as paying their own way, their own education and health services, and everything else once they get that way.

I'm opposed to bilingualism because it's something that I can't see working. Allow the French to speak their language in Quebec, and the rest of Canada should have the option to remain English. For example, for the census we got two sets of forms; one's French and one's English. My wife filled out the English one, so now I'm one of her concubines.

The Constitution should be reformed by appointing three or four prominent citizens from each province to draft a new Constitution or change the one we have here. Then we should have the opportunity to vote on it.

The three major political parties have disqualified themselves from making changes in the present Constitution because they're only concerned about getting elected and their own political gain. They don't give a damn about the country.

Last but not least, I would like to see the Lord's Prayer back in the schools along with the singing of *O Canada*. When you sing *O Canada*, which we did during the war and later on . . . One-third of my rifle squad was French, and when we were killed or wounded or came back, nobody asked us what language we spoke.

When we get down to "What about Quebec?", after all these changes have been made in the Constitution, if Quebec still feels that they want to leave, I think they should have the opportunity to do as they please, but only if they take their share of the national debt with them.

Thank you.

MR. CHAIRMAN: Thank you, Henry. You've engendered a number of questions and some enthusiastic response.

Jack Ady.

MR. ADY: Thank you. I was interested in your comments about federal government control of things like health, education, and other social programs and then your additional comment that the provinces would be called on to administer them. Would you say that in the strictest sense, that they would be in total control and the provinces would be just the people who did nothing more than administer? Would the federal government in turn pay all of the costs of them in that case, or would we still be called on to pay them and they would just set the agenda?

MR. DICK: Well, the way I visualize it, they would set the standards, and then every province would be obligated to try and follow them. As far as paying goes, the province would have the taxation; you would just send less money to Ottawa. They would just set the standards. I mean to say that if you graduate as a doctor, you should be able to operate in all 10 provinces. If you're coming out of grade 9, you should be able to go into any school with grade 10 and carry on with your education. This is what I had in mind. I think it should be administered by the provinces because they're the ones who know how to raise the funds and they know how to administer it and how to pay for it. If you let the federal government pay it all, then it's as a lot of these projects are: "I'm spending federal money and I don't give a damn where it comes from, so I'm all in favour of this." But if I'm going to sit here at home and say, "I want this special thing in my service," I'd better be prepared to pay for it. The people will tell the government what they want, but I think you should have these standards set up. You may not necessarily be able to keep all of them.

MR. ADY: Just a final question. You wouldn't have any concern with the federal government setting standards that more or less met the lowest common denominator of Canada, whatever that might be? Then Alberta, for instance, which has a reasonably high standard of education, would be in some way curtailed.

MR. DICK: Well, no, not the lowest, I wouldn't say, but also it shouldn't be the highest. Everybody knows they'd like to drive a Cadillac, but I drive a small car because – or a small truck; my car isn't that small.

MR. CHAIRMAN: Okay. Pam Barrett, and then I think Fred.

MS BARRETT: Boy, you were thorough and, I might say, fast. Could you repeat, please, the process for constitutional changes that you were recommending? I couldn't catch it.

MR. DICK: Okay. Basically, it's not just me, but everybody I've talked to has lost faith in the three political parties since Meech Lake and time on.

MS BARRETT: Right.

MR. DICK: The only legitimate government that we as Canadians have which is willing to work with us is provincial, like you are doing here. Therefore, I would like to see a committee like this appoint three or four prominent citizens from each province. They would get together and they would recommend changes to the Constitution. Then we would come back and we as a people would vote on it.

MS BARRETT: So a referendum at the bottom line.

MR. DICK: That's right.

MS BARRETT: Thanks.

MR. DICK: Maybe you would have two or three, because I don't know whether you could vote on five or six subjects on one referendum.

MS BARRETT: Thanks. Great.

MR. BRADLEY: I had a question similar to Jack's, and I just wanted to clarify in terms of the responsibility you'd transfer to the federal government in terms of standards. The federal government currently has responsibilities for education and health on our native Indian reserves and for environmental standards in some areas; say, in our national parks, Banff park for example. I can recollect that when I was Minister of the Environment, their standards did not meet Alberta standards. Would you be prepared to transfer this standard setting responsibility to the federal government if in fact it meant a lower quality of service to Albertans in the areas of health, education, and in terms of, say, standards in the environment? Because our current environment standards exceed by far those set down by the federal government in their areas.

MR. DICK: Yes, I realize that. The thing is that the federal government sets the standards; then they collect my income tax. When it comes to paying for some of these services which they insist we have, they withhold their funds. This is what I find trouble with, and that's why I also have trouble with the clawback on the old age pension. On one hand, they give it to me; on the other hand, they claw it back at the end of the year. They are not transferring payments to the province, so the province has had to cut some of its health care now. But I do think we should have a fairly high standard. We have a high standard of living. Even the people that are only on minimum wage or working for $10,000 or $12,000 a year live a heck of lot better than people that are living on $25,000 or $30,000 a year in Europe. I paid $27 for three scrambled eggs in London last year.

3:17

MR. BRADLEY: I guess I don't believe that the federal government has the fiscal capacity to raise the rest of the country to the high standards that Alberta has. That's why I asked the question: would you be prepared to lower the quality of service and the standards and transfer this responsibility to the federal government?

MR. DICK: I'm not saying that all the provinces should have it, but you should have this standard, and from then on, it should be the responsibility of the provincial governments to develop that standard and even go beyond that. But this is the minimum.

MR. BRADLEY: Okay. The second question I had: you suggested that the appointment of Supreme Court justices should be for a five-year period, and then you suggested, I believe, that there should be some sort of ratification process by Parliament.

MR. DICK: That's right.

MR. BRADLEY: Is that something you would see perhaps a triple E Senate doing?

MR. DICK: Well, I don't know who would review them. But, you know, now a political appointee – and most of them are political appointees, although some are very capable men and women, both; I have nothing against either sex being in there. But these are political appointments. Some of them are not in tune with the rest of the country, and they're in there for life; you can't get them out. For example, when they get appointed to these positions, I think all Supreme Court justices should disclose their financial obligations, their financial status, and also where they're coming from. Then Parliament could question them, and they could make suggestions. Even if it's the ruling party that's in power that is appointing these Supreme Court judges, I'm sure the Prime Minister would be taking suggestions from the rest of the Members of Parliament: "Now, this is not a very good person. We have to have somebody else." This is what I had in mind.

MR. BRADLEY: A parliamentary vote to ratify the appointment.

MR. DICK: That's right.

MR. BRADLEY: Thank you.

MR. DICK: I have nothing against the French. One-third of my outfit was French, and we lost about half of them. They were great guys. I believe the common Frenchman away from Montreal and Quebec is just as hard put as some of us are to make a living. It's just a matter of getting together, and I don't think breaking up the country is the way to do it. I think we can accommodate them, and I think you would find a lot of resentment dropping away, especially in rural Alberta and rural Saskatchewan, if it wasn't required that you take French to get anywhere in the federal field of service.

MR. CHAIRMAN: Henry, there are a number of other questions.

Bob Hawkesworth, Gary Severtson.

MR. HAWKESWORTH: Well, I agree with you. If there's some way we can get the ordinary folks of the country together, I think we will make it. But this question about a referendum to amend the Constitution has some problems associated with it. I wonder if you could give me some of your thoughts on it. If we had a vote, and maybe Ontario and Quebec thought a particular amendment was great, and Alberta and the west voted against it, would we still be in a position to ratify the Constitution even though the west might be left out of that? Alternatively, we might have a referendum where Quebec voted against it and the rest, the majority of English Canada, went for it. Do you see some way of reconciling a referendum with regional votes in approving constitutional reform?

MR. DICK: I don't see how Quebec and Ontario would really be voting against the west.

MR. CHAIRMAN: The referendum on the Constitution. That's the one.

MR. DICK: Okay. What you're saying is: supposing the vote carried and we were all opposed to it.

MR. CHAIRMAN: Henry, you've seen lots of times when the election was over before it hit the Manitoba border.

MR. DICK: Yes, I know.

MR. CHAIRMAN: Okay. So how would you feel about that on a referendum on the Constitution?

MR. DICK: Well, I would feel perfectly safe. I don't think I'd be opposed to it provided a triple E Senate is in effect. To a certain extent we in the minority are always going to be on the outside looking in. If we had an elected Senate on an even basis, they could even smooth out some of the rough lumps.

MR. CHAIRMAN: But, Henry, we aren't going to get this triple E Senate unless it's part of that constitutional package. So this is the difficulty we're in, isn't it?

MR. DICK: I know the difficulty you're in, but I don't think that Albertans, the ones I've talked to, are going to be happy with any referendum if the triple E doesn't get in.

MR. CHAIRMAN: Okay. We're going to have a hard time convincing Quebec and Ontario even to put the triple E in a referendum if we get to that point. If it isn't in the referendum or in the Constitution . . . I'm sorry, Bob, I didn't want to take your question.

MR. HAWKESWORTH: This is exactly my question, and you're doing a great job on it.

MR. CHAIRMAN: But if it isn't in that Constitution that comes out from these experts, and they get a Constitution that doesn't contain a triple E Senate, and they put that to the vote, and the people of Ontario and Quebec say that's fine, and because of their population it's passed, then how are you going to accept it here? That's the big issue in a referendum, isn't it?

MR. DICK: I understand that, but I think if you had three or four prominent citizens from each province of Canada – and I would hope that we have some people in the communities all over Canada that look further than just political party lines and are willing to compromise and willing to see fairness in this big deal. Canada is a great country, and if we're not careful, it's going to fall all to pieces.

MR. CHAIRMAN: Gary Severtson.

Sorry, Bob. Did you have a supplementary?

MR. HAWKESWORTH: No, no. You did a better job of explaining it than I did. I appreciate that.

MR. SEVERTSON: I was going to get to that part myself in my supplementary. But the first part of my question. You'd like to appoint three or four prominent people to represent Alberta. Well, there are a lot of prominent people throughout all provinces that fully believe, say, in bilingualism, which you said you didn't like. Now, I don't know how you'd feel that three or four prominent appointees would represent the people when they don't go to the people for a vote to reaffirm that. At the same time, when it came to Supreme Court judges, you said they shouldn't be appointed. But when you want to draw up the Constitution, you would like them to be appointed.

MR. DICK: Well, on the Supreme Court, I would think that with all the Members of Parliament together – you've got all three parties or whatever – I'm sure you'd come up with three prominent people that are fair and square all the way through.

UNIDENTIFIED SPEAKER: There are four parties.

MR. DICK: Oh, okay. I'm sorry; four parties.

MRS. GAGNON: There'd actually be 11.

MR. CHAIRMAN: Well, you see the dilemma we're in. When you start appointing people to something rather than electing them to make decisions, it becomes really tough. That's what we're trying to address.

Henry, we've very much appreciated your thoughts.

MR. DICK: On the Supreme Court, I think those are special cases where you will have to appoint people. You can't run an election to elect a Supreme Court judge. I don't think that would be kosher – excuse the word. I do think there should be some check on the people that get in there, that these people will really serve to the benefit of Canadians and the Canadian law.

MR. CHAIRMAN: Henry, thank you. You've certainly outlined and touched on a lot of the concerns that we've got facing us as a committee to come up with some answers for Albertans.

Keith Chief Moon.

3:27

MR. CHIEF MOON: Do you want me to start?

MR. CHAIRMAN: Yes, please. Welcome, and please go right into your presentation. Thank you.

MR. CHIEF MOON: Okay. First of all, I'd like to extend my thanks to you the committee for allowing us to speak on this very important matter.

I guess the discussion that this particular presentation is centred on is the Constitution. In my presentation I have explained what the Constitution is supposedly set out to do. Now, I've made some highlights in reference to producing peace, order, and good government. That's from federal and provincial perspectives. However, the native people of Canada are constantly being ignored. There was a decision, and Lord Denning of the Supreme Court Judicature, Court of Appeal, Civil Division, Royal Courts of Justice, London, England, said:

> The aboriginal peoples of Canada shall continue to have all their rights and freedoms as recognized by the Royal Proclamation of 1763.

Lord Denning also said the following:

> The Constitution Act 1867 specifically refers to Indians in section 91(24), "Indians, and Lands reserved for the Indians."

I went on to explain what his interpretation was. He said that acting through his representative – and he in turn represented the Queen of England; that is, the Crown – Lord Denning said it was in our constitutional law at the time regarded as one and indivisible. With that you have your BNA Act.

In 1877 Treaty No. 7 was signed, and to date not much progress has been made to deal with the treaty issues that are affecting the native people.

There is a particular section of the Constitution now, section 35, that says:

> The existing aboriginal and treaty rights of the aboriginal peoples of Canada are hereby recognized and affirmed.

Then it goes on to say that there's going to be a Constitution dealing with native rights. That has not happened. Several attempts have taken place, but they have all failed.

I am of the opinion that because of the lack of sincerity and the lack of consideration given by the government people . . . In fact, when I talked to the people that drafted section 35, they were all drunk. These are our rights: my rights, my children's, and their children's. They said: "We don't know what the aboriginal rights are." So this is very serious for us. At least while I am here, I want to be able to give direction to the people that are dealing with the Constitution, which is very important to us.

Treaty No. 7 was signed in 1877. Alberta came in in 1905. I have gone on to say that through the generosity of the native people, particularly treaties 6, 7, and 8, Alberta became a province. Now, there has not been too much of a . . . I can't go on to say: "Okay. This is what the province has done for us. This is what's happened." But all in all, the provincial powers are spelled out in section 92 of the BNA Act. They're in black and white. I'm not a Constitution expert. I'm just an Indian. I can read what's in there. You don't have to be an expert to do that.

Anyway, the mechanisms proposed by these hearings are of great interest to us. The questions keep coming back. Why can't native people enjoy the benefits of all the rest of the provincial citizens? Why do the Indians have to lose so much, especially if they are living in urban areas? Here in Lethbridge I'm paying taxes too. Why do I have to lose so much? You look at the unemployment rate. It's ridiculous. The governments get concerned when it reaches a double-digit figure. Well, it's a constant figure of 80 to 90 percent on any given reservation as well as any urban area. You look at the incarceration rate. That's also very high. Why? You look at the third- to fourth-world conditions on the Indian reservations, and accommodation for native people in the urban areas is ridiculous. Why?

The other thing that has not ever been mentioned is the supposed discovery of the American continent in 1492. There has never been any consideration or acknowledgment of what we have done for the Europeans that came in. So with all due respect to the Canadians, Canada is noted for its stand on human rights. In fact, Canada is one of the world leaders in accepting immigrants, refugees. But why has Canada been convicted of discriminating and violating human rights, particularly native women like Lavell and Bédard? They got convicted; nothing changed for them. Aspirations of native people: the Lubicon band? It's gone complete circle right back to where they were. Milton Born With a Tooth: here was a land claim case; now it's criminalized.

Fourthly, we request that serious discussions begin to take place. The majority of native people can no longer tolerate the oppression that is going on. For too long we have tried to work with the existing governments, and again we have bent backwards to try to accommodate the wishes of the governments. If this does not improve, there will be a mass migration of Indians and urban native people requesting political asylum from the existing tribal councils, the Canadian government, and Alberta.

My presentation is very brief, and I tried to make it to the point.

MR. CHAIRMAN: Thank you very much, Keith.

We have a number of questions. Bob Hawkesworth, Ken Rostad, Yolande.

MR. HAWKESWORTH: Thank you, Mr. Chairman, and thank you, Mr. Chief Moon, for your presentation this afternoon. One of the things that struck me as we've gone around the province on our committee is what I would call a willingness from those Albertans who have come before us generally to do what has to be done to solve the problem. Many of the people who've come before us aren't sure what it is that will solve the problem, but I think there's a real willingness. I've been pleasantly surprised by the number of people who've expressed that willingness.

I guess my question to you this afternoon would be: what is it that has to be done to solve the problem? Is it getting rid of the Indian Act or the department of Indian affairs? Does it mean a larger land base? Is it self-government? What does self-government mean, if that's the answer? I wonder if you could spell out a few of your thoughts about what it is that will sort of put the relationship on a new and better footing.

MR. CHIEF MOON: Okay. I guess on my presentation, according to the law experts, doing away with Indian affairs is not the answer and doing away with the Indian Act is not the answer. In fact, it would be very detrimental if you were to do that.

Land base. In the province of Alberta there are quite a few outstanding land claims. They have not been resolved. One particular one that I'm concerned about is where I am from, the Cardston area. It was through the generosity of my forefathers, my great, great-grandfather, Red Crow – in fact, it was the Mormons that had been chased away from wherever they came from, and my great-grandfather, through generosity to mankind, said, "Okay; you guys can camp here for the winter." We certainly didn't want to see the women, children, and all perish. In fact, they were told that if they went to Calgary, they would be persecuted.

I would like to put in a nutshell what the answer is, but I think we need to start discussions openly, like on treaties. Treaty 7 here is in southern Alberta. We have to look at the terms of what the original intents were. I guess you would say they were done in a bilateral process: you know, nation to nation. The thing is we're saying: "Okay; let's get to the bottom and ratify those treaties and what's in those treaties." I have a treaty number, and I have to go around asking, "What good is my treaty number?" Those are the types of things.

So we have to come to the point of this and say, "Okay; this is what we want." The thing is, as we were sitting here and as I mentioned before, we need to create more discussions, particularly for what's happening today on the Constitution. I think those, some of the things that are spelled in the Constitution have to be addressed.

3:37

MR. HAWKESWORTH: Just very briefly. We're all sitting around the table as elected provincial politicians. As you point out, the Constitution's fairly clear about the exclusive jurisdiction of the federal government. Notwithstanding that, do you think there is a role that the provincial government could be playing in helping to resolve some of these conflicts?

MR. CHIEF MOON: Well, see, we're in a catch-22 situation there. Specifically, we're victimized. We're a political football is what we are. We go ask the federal government, and they say, "No, it's not within our jurisdiction." The province says, "You're not under our jurisdiction." We're caught between two governments. What we're saying is: why does that have to take place? Are we so inferior? Are we that bad that nobody wants us?

MR. CHAIRMAN: No. That's a good question, but may I just jump in and say that one of the problems we've had as a government, Keith, is that section 91(24) says that this is solely a federal responsibility, and because the treaties were entered into between the Crown and the Indian nations, the chief organizations up until just the last little while have been saying to the provinces, "Look, you have no role to play in these discussions at all." So we're kind of in a catch-22 situation as a province. I think we have to get over that, quite frankly. It's not just the Indian people who are in the catch-22. I know the Assembly of First Nations, for example, said to us many times that provinces have no place in these discussions at all. So that's part of the dilemma.

Ken Rostad.

MR. ROSTAD: Yes. Keith, thanks for your presentation. We've had some representations before that self-determination or self-government should be given to the Indian nations. In that context we've had varying ideas, but one of them is that you become separate nations. Do you have a position yourself on whether you would be within the laws of Canada or whether you should be a separate nation unto yourself?

MR. CHIEF MOON: I guess that's why I make reference to this self-determination, self-government, that type of thing. You see, the question is quite simple for us. We try to work with the federal government as well as the province, but we're almost in that situation where we can't. It's coming to the point there that we're being pushed away so far that we're going to one of these days declare ourselves as not Canadians anymore. I don't even know if I am a Canadian, because of the treatment that we've gone through, let alone an Albertan. If we don't talk about these things openly, there's going to be a point in time – like, the Blood reserve is in a situation that it can become a nation. The land base is there. We can declare ourselves independent from Canada if it gets worse. My concept of self-government is to be able to take care of yourself with your own resources. I'm from the Blood reserve; we practised that before the treaties were signed.

Again, we're saying that we would like to work with you people, but at the rate this is going, we're going to be pushed to the point that we will declare ourselves independent. The thing is that you look at the land base; the land base will eventually become self-sufficient. You look at the other countries across the ocean; the Vatican is a country by itself.

MR. ROSTAD: I take it that you'd like to work within . . .

MR. CHIEF MOON: Yes, we are. We're willing to work with you people. The thing is that we're being, I guess, victimized, so much a political football that it's becoming ridiculous.

MR. CHAIRMAN: Yolande Gagnon.

MRS. GAGNON: Thank you. I noted in your written text that you say that no acknowledgement or appreciation has ever been given to the First Nations for their contributions. I guess I would like to say now that many of us have been asking for curriculum, for instance, in the schools to be improved so that more people are aware of the contributions – spiritual, environmental, and so on – that the native peoples have made for all of us. I just want to start my question with that comment.

One of the other things in your text is the fact that if a native person leaves the reserve and goes to a town or city, they lose their treaty rights and become a nonstatus Indian. Is that one of the basic problems, that you should have mobility, that why is your status dependent on staying on the reserve? Is that the problem?

MR. CHIEF MOON: We don't outrightly lose our status, but somewhere in the pushing for this, what happens is – for myself, I have had to literally fight for my treaty rights as far as medical care. A lot of times we're being double-billed, or the federal government is saying: "Well, because you're living in a city, we cannot look after you. You have to go back to the reservation." The other thing is education, same thing. They say, "Okay, because you're living in a city, there's a bit of a problem there."

MRS. GAGNON: As to who's going to pay.

MR. CHIEF MOON: Yeah. We get caught up in the shift. Those are some of the things, let alone that jurisdiction becomes a problem. You talk about the alcoholism problem that exists. Then you try and get accommodation. Let's say, for example, I was trying to rent a place here in the city and I applied through the low rental. Right off the bat they're going to say, "Well, you have to be living in the city at least six months." But where am I going to get a place if I'm not allowed to stay in the city? They'd say: "Well, you go back to the reservation. There's your housing program." When we go back to the reservation, they say: "The money's all gone. We have no money." It gets to the point that all these factors make a contribution. It gets to the point that you just say, "What can I do?" It's being oppressed, so people are not as strong spiritually, culturally, and they resort to the bottle.

MRS. GAGNON: Also, just quickly, the Assembly of First Nations' election campaign is on. I heard one of the aspiring leaders this morning on the radio indicating that he did not consider himself a Canadian because at no time did anyone make a deal with him kind of thing. Anyway, do you think that after this election and because of the discussion and debate that will take place during the election, some of these things might be sorted out among the First Nations themselves?

MR. CHIEF MOON: Well, for myself, I've watched and monitored. I tried to participate in all the activity. I guess it comes to the point there – this leadership candidate that's running, I didn't quite hear the text of his speech – that we are getting pushed to where we're cornered. So we're almost in a very desperate situation where something has to happen. Again, I guess the incident at Oka is an example and all these other things that happen across Canada. It gets to the point there that we can no longer be shut down. I think a lot of these people have – you know, I don't like to see it, but they may decide to become martyrs.

The other thing that's happening to us is that I've talked to various individuals and they've said, "Okay, maybe we should emigrate from Canada, leave." That would be for the purpose of preserving who we are, the indigenous people of North America. It's getting to that point.

MRS. GAGNON: Thank you.

MR. CHAIRMAN: Thank you very much, Keith, for your presentation. There's no doubt that there's got to be more discussion, but it has to, I still believe, involve all levels of government. It just can't be done, in my view – and the fact that you came forward today to give us your views is very helpful – without the federal government and the provinces and the Indian peoples discussing the matter. I don't think we can do it any other way. Thank you.

The next presenter is Bill Arsene.

MR. CHIEF MOON: Thank you.

3:47

MR. CHAIRMAN: Welcome, Bill.

MR. ARSENE: Thanks very much for letting me come in here to be able to talk to you people. It's something we've never been able to do before. I have some very interesting comments with the native people too, someplace in through here, that I'd like to bring up as what I heard today. The Alberta Constitutional Reform Task Force – round one, two, three, and four – I'd like you to be able to have that there. There are some very good comments in there I didn't want to bring up here today. Can we bring that up so you will have it there? I know you will have it.

I'm a Canadian all my life, born on a farm near Coalhurst, and really an all-out Albertan. Alberta comes first with me, and I hope this group goes along with me for the future of Canada. All I have are clips from papers of what I found that people were saying. Now, "Spicer's Citizens' Forum appears set on leading the witnesses." There's something I'd like to bring up about that, maybe to help.

> The forum had been pervaded by unsettling signs from the day it was created last November. Chief among them was the choice of Mr. Spicer as chairman. The former publisher of the *Ottawa Citizen* is an avowed francophile who used to boast that he had learned his French "in bed." He was Canada's first Commissioner of Official Languages, federal bilingualism's top apologist and enforcer. Three of 11 forum seats had been reserved for francophone Quebeckers, when two would have been nearer the statistical mark. The West seemed deliberately shut out of a strong role. Alberta's representative, Felix (Fil) Fraser, is Quebec-born and more concerned with multiculturalism and native rights than bread-and-butter constitutional issues like the Triple-E Senate and the enforced shift of western money eastward through federal equalization formulas. The West's only outspoken representative, Vancouver broadcaster Jack Webster, resigned before it got started.
>
> More recently, Mr. Spicer had appointed a "co-ordinator" of the "moderators" who will host meetings across the country. For this key role he chose a solidly centralist colleague, Laurier LaPierre . . .

I thought he was a great man. I've changed my mind.

> . . . a former television journalist and author of *1759: The Battle for Canada*, an account of the . . . conquest that climaxed with the . . . defeat on the Plains of Abraham. However, despite the Quebec-bilingualist reputation of the main players, Mr. Spicer promised the forum would involve "an intimate, grass-roots approach" and a "do-it-yourself flavour." He promised it would solicit the complaints . . .

Well, wait. Maybe I should just hand you this. This is by a girl, Hu. She's going to contest the seat of Turner's in Vancouver, "Participant Hu: Quebec gets half the air time." Should I read it or just hand it to you?

MR. CHAIRMAN: Sure. Why don't you just give it to us, Bill, because you've only got 15 minutes, and maybe you should give us your views about how Alberta should approach the situation rather than how the federal government's doing it on their side.

MR. ARSENE: Okay. Can you send me it back? I've got to go to the Spicer commission yet when I get through with . . .

MR. CHAIRMAN: Sure. We'll give you copies.

MR. ARSENE: Now, I have this in the *Alberta Report* of March 4, and it's just some of the things that I want you to know:

> "It is not possible to work for the forum if you believe in letting Quebec go, if you believe in regionalism and 'letting the bastards freeze.'" Spicer Forum organizer Laurier LaPierre, quoted in Toronto's *Globe and Mail*.
>
> This remarkably candid disclosure last week should complete the destruction of the Spicer commissioner's credibility.

Do you want that now?

MR. CHAIRMAN: You give us whatever you want.

MR. ARSENE: Well, I'll give you that, but I want it back. I think it'll tell you a lot. We've got a board there that are not going to give us a real answer. I think when it all comes down, Mr. Mulroney will say: "Well, the Spicer commission has done a wonderful job. I think I can go right ahead. I'll give Quebec what they want." I don't agree with that. So I'll just hand you that, and you can have this.

UNIDENTIFIED SPEAKER: It's all in the *Alberta Report*.

MR. ARSENE: That's all right. I don't care.

MR. CHAIRMAN: Order here. We don't need any dialogue with the audience.

MR. ARSENE: Two weeks ago Mr. Mulroney, Quebec's lieutenant, and the industry minister Benoît Bouchard, who voted "out" in Quebec in the 1980 referendum on pursuing sovereignty association with Canada, declared that it is now up to Canada to meet the Quebec aspirations in any future referendum. Mr. Bouchard asserts he would not vote for Quebec sovereignty. Up to one dozen other Quebec MPs, enough to kill the Tory majority, nearly left the PC camp after the failure of the Meech Lake accord last June. Now, with nationalist sentiment stronger than ever, they will doubtlessly demand concessions for Quebec as the price of their loyalty. Prime Minister Mulroney, still trying to curry favour among the Quebec nationalists and keep his caucus together, will not break his tactical alliance with Premier Robert Bourassa, because what's left of Mr. Mulroney's reputation still depends on being the friends of Quebec nationalists. Tory *Globe and Mail* columnist Jeffrey Simpson, last week.

William Johnson concurs. Even if Mulroney were inclined to try to defend the integrity of Canada, his own Quebec caucus would not let him, but this time there's evidence that Quebeckers will not get a free ride from Alberta's 22 Tory MPs, I hope. The central power is in such a scheme for Canada to continue to exist at all. There's enough remaining for the central power. The upcoming constitutional negotiations prompted by Quebec might prove a chance to address some western constitutional requirement as well, says a hopeful Scott Thorkelson, MP for Edmonton-Strathcona. But he adds, "I don't want to see the Senate abolished. The amending formula that Quebec wants could allow a group of provinces to overrule the rights of western resource-owning provinces. Can Quebec's demands be filled, leaving us with a post office and the debt? That's about it. The answer is no. Others take issue with Quebec's plan to freeze out the other provinces.

Constitutional renewal, according to the Constitution, requires the approval of all 10 provinces and the House of Commons. Says the Government House Leader Harvie Andre, another Calgarian: "It isn't possible to have a one-on-one talk and exclude the provinces; that's not what the Constitution says." Just before the 1984 election Mr. Mulroney gave a seminal speech in Quebec. He promised Quebec a new constitutional deal to bring Quebeckers into Canada with honour and enthusiasm, by which many understood him to mean with extraordinary patronage. The result was dramatic. Quebec's nationalists, who either sat on federal elections or reluctantly cast Liberal votes, flogged to the Tory banner for the first time in three decades. Now, I think that's terrible, but I think we better go along with that. And then, "Mulroney is clearly a lame duck when it comes to representing English Canada interests," says F.L.A. (Ed) Morton, political science at the University of Calgary, after all of this here.

What matters to Quebec is getting more power, not letting more voices into the debate. The Bourassa government certainly wants more control over everything from social policy to the environment. But on close examination all but one of the 22 areas over which Quebec wants full sovereignty are already wholly or partially within provincial jurisdiction. That's what I wanted you to know.

This means that most of the provinces' demands could be met without reopening the Constitution. The single exception is unemployment insurance, and it is not at all clear that the people of Quebec, the workers who face the real prospect of losing their jobs, share their leader's enthusiasm for snatching that program out of Ottawa's hands. I think we understand they would not get the money maybe. He identified the Canadian [inaudible] as a loss of faith in the country's leader, an unwillingness to give any region or province preferential treatment, and a desire to have cultural symbols, be it the Quebec or the national anthem, in English Canada. The Prime Minister has let it be known that it would be highly inconvenient if both commissions reported to the Prime Minister the values. No political structures are at the root of the Canadian malaise. It would give Mulroney a nasty jolt of his own pulse to take as a question the need for a new round of constitutional negotiation. It would force the country's politicians to ask why they have been pursuing the goal of renewed federalism for the last 10 years if a credible group of Canadians pronounced it was a mirage.

3:57

Serious questions face Canadians in areas other than economics. There is, for example, the question of asymmetrical federalism. This is the name which now conceals the concept once called "special status" or two nations. Behind the camouflage it means something beyond the inequity of provinces; it would lead to the inequity of Canadians. It would mean that Canadians living in one part of the country could not claim the same civil rights guaranteed to someone living in another part.

There are still flaws in the way a democracy works. More Canadians voted against the free trade alternative than voted for it. Because the votes were split between Liberals and NDPs, a minority of votes elected a majority of Parliament and thus prevailed.

The traveling unity commission that the Prime Minister has sent out to talk to Canadians is coming back with a simple message: the problem is not the Constitution. The throne speech: no task is more important in making the Constitution a more faithful reflection of who we are, what we represent as a country, and what we aspire to be as people. What most of the people are saying – the English Canadians – is that the country's in the hands of a man they don't trust.

Senate reform. I think I've heard quite a bit on that, and I'd like the triple E. I know you'll have problems, but I'm an Albertan. I think they fought very hard for it, and I can't see how they'll get it, but I'm still for it. Senate reform as promised in the Constitution proposed by Mr. Clark: elected, equal, and effective. The throne speech made no mention of Senate reform.

The western provinces need a new position with or without Quebec. The Quebec government has made a proposal for a new Canada that essentially means no Canada. English-speaking central Canada – Ontario and Ottawa – continues to assume that the west can be ignored in any negotiations with Quebec. The government is no longer our servant. How much of the economy should lie in the public sector and how much in the private? Today, the split is 50-50, 50 percent and 50 percent. The provinces should have some say in this very drastic spending of central government. Seven years of Mr. Wilson's stories have doubled our deficit. In Canada we have federal Members of Parliament and federal cabinet ministers from Quebec openly advocating and prompting the secession of the province of Quebec from the Canadian federation of provinces, yet they are not being impeached, charged with treason, or even reprimanded. In the 1860s the U.S.A. fought a bloody civil war. In 1867 the U.S.A. bought Alaska from Russia for $7 million. Perhaps Canada could sell Quebec to the U.S.A. It would eliminate the large transfer payments Quebec receives each year at the expense of Alberta and B.C.

I have something else here. I'd like to talk about the natives. Can I keep on a few minutes?

MR. CHAIRMAN: Well, Bill, your 15 minutes have run out, I'm afraid.

MR. ARSENE: No, it has not.

MR. CHAIRMAN: I'm afraid it has.

MR. ARSENE: I just want to bring this up about the natives.

MR. CHAIRMAN: Well, if you want to quickly make reference to that, why don't you do that?

MR. ARSENE: Yes, I think it's got to be brought up.

The Quebec farm group wants sovereignty: there's a good one, and I'm a farmer.

Now, we have English and French Canadians who pit region against region, each wanting many special concessions or privileges at the expense of others. As long as someone else pays to give it, it's our selfish desire that we all will take as much as we can: "Oh, but each of us is special, so we are entitled to be treated in a special or distinct manner."

We have native Canadians who, because they were here first, claim the special privilege of being supported by treaties which enshrine their right to be supported by the latecomer Canadians. Maybe they weren't here first. Who owned the land before their ancestors immigrated to Canada across the Bering Strait or from wherever they came? Maybe the ancestors of all Canadians were immigrants at one time. Maybe it's time for all native Canadians to assume the responsibility of working in the same manner as other Canadians. We have western Canadians who long have felt exploited by their eastern counterparts whether this is so or not, and the facts tend to support them. I think the Indians too – they have some of the best land in this country. We took in about 35 Hutterite colonies in there. They don't need any money. They put their pumps into the rivers and God knows where, and they've done a wonderful job. I think they have the same alternative. We pay about $4 billion a year to keep those 430,000-some Indians. Why don't they start doing something on their own just like I did? I started with nothing, and I got to own quite a large farm. They have the same opportunity, but they're waiting for somebody to hand it to them on a platter, and we've done it too long.

It's sad that not all immigrants become real Canadians whose new loyalties put their new country first and foremost over all others. My suggestion to these few is that you should return to whatever country claims your loyalty. Canada sure doesn't need you promoting your treacherous views and trying to change all of our customs and culture. If our country's good enough to accept you, you in turn should be good enough to accept it with your unreserved loyalty and alliance.

A real Canadian, in this frustrated person's opinion, is one who has all the rights and privileges that are available no matter what region, nationality, culture, or background he or she comes from. A real Canadian is no more special or distinct or equal than any other Canadian. A real Canadian assumes the responsibilities that ensure equality for everyone without resorting to threats of separation or forms of blackmail to obtain special selfish concessions. A real Canadian is not a traitor to his or her country, nor does he engage in treacherous acts which promote the destruction of this country. Is it too much to expect our elected officials to be statespersons instead of politicians, to represent the country and constituents without promoting the destruction of our great country? Their example should include loyalty, service to the country, not of selfish appeasement of personal goals. United we stand, and divided we will fall. No region or part of Canada will ever be as strong separately as they would be united as one great country of real Canadians.

MR. CHAIRMAN: Well, Bill, thank you very much, but you have some fellow citizens waiting to give their points of view in the time available. I think perhaps we had better hear from them, and I know that you . . .

MR. ARSENE: Well, I think I brought out some of what I wanted. I think I told you about the Spicer thing, and I didn't talk about LaPierre yet.

MR. CHAIRMAN: Well, I know we'll be hearing more from you in any event, so thank you very much for coming forward. Thank you very much.

MR. ARSENE: Okay. Thank you. Do we get paid for this?

MR. CHAIRMAN: I thought it was a labour of love, Bill.

Ed Toone. Welcome, Ed.

4:07

MR. TOONE: Mr. Chairman, ladies and gentlemen, I don't know whether I should be here or not, but I'm thankful for the opportunity. I've got a few thoughts that I would like to put forth. I haven't prepared a speech like many of them. I am going to leave a lot of this out because a lot of the territory has been covered, but there are two things we should remember in life. We have the privilege of doing what we want to do if we don't infringe on the rights of others. The other one is: a man's no better unless he does better. So I appreciate this opportunity.

Now, we've been sucked in with a crazy thing since the last world war. I'm not pointing my finger to any political party, but the words "liberal, liberalism" to those that might know, I think are scary. You brought up when the flag was changed and nobody voted on it. The miles and whatnot were changed to metric, and we didn't have the opportunity. We could go on. Now they're trying to change the RCMP with the turban. Where is this liberalism going to take us? We've got to have more strength and more power in our provincial governments or we're sunk; there'll be no tomorrow.

Quebec. Why are we wasting time with Quebec? They're no different from B.C. or any other province. Quebec will not separate. That's just a smoke screen, because they are getting and bleeding too much from the rest of Canada.

Free trade. You provincial men get together with other provinces and let's get free trade throughout the Dominion of Canada, and then we can have free trade throughout the rest of the world. But what can we do when our hands are tied by the way we have been overshadowed by our liberalism government? They've got us kind of in their hooks.

Now, a few things in regards to Alberta. The dam: one of the finest things that the government's done. How much money has gone into it? How much money has been given to those few that are bucking it to fight in the courts? Where do we sit? The same thing with Peter Lougheed. Was it settled out of court? Or did you give him enough time to straighten up his affairs?

Cormie . . .

MR. CHAIRMAN: Peter Lougheed?

MR. TOONE: Peter Pocklington. Pardon me. Sorry about that.

The Principal Group. Somebody did a lot of manoeuvring when the Principal Group could have been stopped, and a lot of good Canadians wouldn't have lost their livelihoods.

The GST. Ladies and gentlemen, it's got to go. It's all right on the top level, the guy that gives the raw leather to the guy that makes the boot: 7 percent. The boot that's made goes to the wholesaler: 7 percent. When I buy it from the wholesaler: 7 percent. And they want me to put 7 percent on the women and men that have got a small family and are trying to exist on $15,000, $20,000 a year. That alone is going to cripple and break our country.

Now, you MLAs, I'm not pointing a finger at any of you. I think you're trying to do a good job, and I can see it in your faces and your attitude here today. I think this is where a lot of our trouble lies. You get in the government and you think us old fogies, old badgers that have been around, don't know too much and you've got all the brains up there. Well, I'm sorry; you haven't. You'd better come back to your constituencies and listen to them. Now, I've said enough about that. I won't go any further with that.

The onus comes right down to me and every individual. How much are we interested in what our government's trying to do, and how much input are we willing to put in? How much time do I spend to get hold of my MLA? How many meetings do we hold in our community to view our points? Where's our chamber of commerce? Where are our men's clubs, our Rotaries and all? What are we doing? I wouldn't care what party's in line. The three line parties in eastern Canada: it wouldn't matter a hoot which one's in, because this liberalism would control it, and we'd have just the same problem. So the onus comes right back to us.

May I make a suggestion that when we're talking about this Constitution, we go back to the time of Confederation and have that before us and put it to work and pick out the good with the knowledge we have gained since then, and let's love one another.

Thank you.

MR. CHAIRMAN: Thank you very much, Ed, for your obviously heartfelt concerns.

May I just say on the Pocklington issue that that case is in court and is going to be a very difficult one to fight out. There's no question about it. It's going to take a long time, but the government is determined to pursue the case that we have in court against Mr. Pocklington. I'm a lawyer, and there are other lawyers in the room who will tell you that the court system can take a long time to grind out. But I don't think there's any doubt about the determination to pursue the court case that's in place now with respect to Gainers. I just wanted to assure you of that.

Any other questions? Gary.

MR. SEVERTSON: You mentioned the turbans. I don't want to get into that issue in particular, but that basically fell under the Charter of Rights and Freedoms, which was put in the Constitution and which guarantees those. Do you feel that the Charter went too far, or do you think it should go farther? What's your opinion on that?

MR. TOONE: It's plumb out of place. It shouldn't be allowed. About the best thing that we've got in the Dominion of Canada is our North-West Mounted Police, who are hooked up to the liberals . . . .

MR. SEVERTSON: I meant the Charter of Rights, not that issue. But that was one of the reasons.

MR. TOONE: Pretty soon you're going to have everybody – braids in there. You're going to have everyone imaginable.

MR. CHAIRMAN: Okay. Any other questions or comments?

MR. TOONE: Just to add a little on the funny side. One of them walked into my shop, and I thought he was quite a guy. The next time he came in, I said, "I didn't know you were one of those guys." He said, "Oh, yeah." So he stopped and he paid his bill, and I said, "Hey, have you got an extra turban?" "Yeah, I've got an extra turban." "Well," I said, "will you loan it to me?" He said, "Why?" I said, "If I had that turban and put it on with this beard, I could go to the bank and get all the money I wanted."

MR. CHAIRMAN: One thing I want to tell you, Mr. Toone and others, as you leave: I think nobody could agree with you more than we do here that we must obtain – it may not be a constitutional process – free trade in Canada and eliminate interprovincial trade barriers. That is absolutely dead on as far as the future of this country is concerned. Interprovincial trade barriers are very detrimental to the future of this country. I just want to make that point.

MR. TOONE: Thank you.

MR. CHAIRMAN: Jim Penton.

MR. PENTON: Thank you, Mr. Horsman, ladies and gentlemen. It's a real privilege to appear before you, and I thank you for taking the time and going through the agony of listening to all the presentations. I know that presentations vary and you sit for a long time, and I sympathize with you. After hearing several of the last presentations, I was almost tempted to begin my address to you with the words "Monsieur le président, mesdames et messieurs," because I find much of the lack of tolerance that has been expressed here this afternoon to be shocking. My first French-Canadian ancestors came to this country in the 1660s. My first English-speaking ancestors came to this continent in 1682, and I had ancestors here to meet them, and I'm very proud of that. I find the comments which call for a leveling of everybody within some sort of amorphous mass to be offensive in the extreme. I have the greatest tolerance and respect for immigrants of all kinds to this country, and I hope we can treat one another as Canadians with the deepest respect, recognizing the great differences we have.

4:17

I would like to remind all of you of a couple of historical facts. First of all, Canadians live under a number of myths. One of them is that the country was founded by two founding peoples, the deux nations concept. Others have the idea that provinces have something like the sovereignty that was demanded by certain southern American states prior to the Civil War in that country. We were a colony, a series of colonies, and have grown out of a colonial background. One of the things that is terribly wrong with our society is that we have not shed our colonial past and recognized the significance of democracy and general respect for one another in the way we should.

Collective rights have been recognized constitutionally in this country since the British conquest, and they have been applied to many different peoples both ethnic and religious, sometimes to their detriment, sometimes to their advantage. We must be able to recognize that Canada is a country of great diversity in which there must be individual rights, which ultimately must be paramount, but in which there are also collective rights such as the right to speak English or the right to speak French, and unless we recognize one another with a spirit of toleration, and the same must be said for our native people. I find it incredibly offensive for immigrants to this country to say how the native people should live within the context of Canada. When I say "native people," I refer not only to our treaty Indians but to our Inuit and to the Metis people of whom I speak as a member. We have had specific rights guaranteed to us by the Manitoba Act in much the same way that the native peoples of this country, the Indian people, who claim to be nations were recognized by the Royal Proclamation of 1763. The rights of our people are guaranteed constitutionally, albeit those constitutional rights have been ignored over and over and over again.

We must recognize the legitimate rights of Quebec. Quebec is, after all, already a society which lives under a special status. It has a different Civil Code than the rest of us, and that has existed for a long time. A majority of its citizens speaks French just as a majority in every other province speaks English. We have minorities in this country, and the people who have the most stake in Canada are the French-speaking minority in English Canada and the English-speaking minority in French Canada. It is wrong for us as western Canadians or Albertans to forget the well-being of our fellow Canadians who are minorities living throughout this country.

I can't speak too strongly in the same terms that Jane Schultchen used today. I thought her remarks – remarks of kindness, remarks of respect – were beautiful. This is what we must have. We must have respect in this country for one another. I think it's unfortunate that many political remarks were made here this afternoon. I have very strong feelings politically; I'm a committed New Democrat. But I don't believe that gives me any right to upbraid the Conservative or the Liberal members of this committee. I appreciate the fact that you're here. I appreciate it very much.

Now let me move on quickly to some of the things I would suggest. I believe we need a constitutional assembly. There is a deep suspicion of politicians both federal and provincial. You all know that, as do all of the rest of us. Let's have a constitutional convention elected on the basis of the present federal ridings. In that way we can avoid the role of a Quebec which might attempt to cast a veto. We should add to that number 10 special seats representative of our native peoples, the three aboriginal peoples, Inuit, Metis, and Indian.

Then I would suggest a number of reforms, but these reforms I would simply want to see put forward. I would like to see the Governor General chosen broadly, perhaps by both Houses of Parliament, so the Governor General is no longer a creature of the Prime Minister. I would like to see the Charter of Rights become more predominant and the notwithstanding clause, which I think has been a catastrophe in our constitutional history, removed.

I would like to see reform of the Senate. I believe that a triple E Senate is an impossibility; Quebec and Ontario will never accept it. But I believe in equality of the regions. I believe they would accept this. I think there should be some native representatives in the Senate as well. I would maintain the powers of the Senate as it exists today, and I think it would become effective as an elected body, but I would add to its powers the power to endorse foreign treaties and to screen appointments to the Supreme Court. It is very wrong to have our judges and justices appointees of politicians without a general screening. That would create a great deal more fairness, and since it would be done at the senatorial level, there would be input of the provincial people as well as the federal government.

I would like to see a reformed House with representation by population, ridings established by an independent commission and varying in population by no more than 5 percent. I would like to see proportional representation, not on the Israeli or the Italian model – these don't work very well – but rather on the West German model, which works particularly well. If we cannot have proportional representation, then we should have runoff elections in any constituency where no candidate obtains 50 percent of the vote.

Finally, I would like to see the term of office of both federal and provincial governments cut back to four years, with specific dates set for elections, except in the case of votes of nonconfidence where there would have to be an election.

I would like to suggest something else in closing, and that is that I would like to see provincial constitutions created within the context of the federal Bill of Rights. It seems to me unacceptable to continue to have the elected dictatorships we have in this country for periods of four and five years, and that's with no reference to any political party. I think it's unfortunate – someone mentioned it here this afternoon – that we have a federal government elected by less than the majority of the people. In no election where the free trade issue was before the public did so many Canadians vote against it as in the last election. I think it's unfortunate that Grant Devine can be in power in Saskatchewan when he got a minority of the votes and the NDP got a majority of the votes in the last provincial election. I think that's outrageous and undemocratic. I think it's unfortunate that Bob Rae could come to power in Ontario with 37 percent of the vote.

Canadians want democracy. We want checks on our politicians, we want checks on our court system, and we want devices which will give the populace more conviction that they really are determining the future of the Canadian nation.

Pardon me for taking a few moments more, Mr. Chairman. I'll stop there.

MR. CHAIRMAN: That's quite all right. I want to pursue just one thing quickly and do a little chairmanship prerogative here, and that's on the Supreme Court of Canada issue. You're one of the few people today who's raised the importance and significance of the role of the Supreme Court of Canada. You've given us a specific as to how you think the Supreme Court of Canada might be chosen better than it is done now. Why do you attach the significance to the Supreme Court of Canada that's inherent in your comment?

4:27

MR. PENTON: Because the Canada Act of 1982 brought into Canada in a very imperfect way the American system of judicial review. We have a Constitution which is neither fish nor fowl nor good red meat, and it's a hodgepodge of nonsense. It's like Topsy; it just "growed." When Pierre Trudeau brought the Constitution back and the provinces yelled and screamed and kicked and finally got such things as the notwithstanding clause, nonetheless we got judicial review on the American plan. Now, surely if that's the case, if we're going to borrow that from our American neighbours – and I think it was a good thing; I supported Trudeau on that. But he didn't go far enough. He should have included within the Constitution some provision for breaks on the Prime Minister's office. I wouldn't care who the Prime Minister is; I don't think anybody should have that much power in his hands. I think it should be in a much broader body. And I would like to see also, quite frankly – and I haven't mentioned this – a great deal of input from the legal profession, which has some understanding of what's going on. Right now the appointment of our justices and judges is just a sham, and it's not acceptable. It's so dreadfully undemocratic. We've got to have some checks.

MR. CHAIRMAN: Okay. Well, you've done a very good job of explaining the shift of real power to the courts; in other words, from the elected bodies to the appointed people. That's something perhaps a lot of Canadians haven't yet grasped.

Pam.

MS BARRETT: Thanks. I want to talk on a similar subject, and that is your idea about Senate reform. I missed one point, so my first question is going to be: you added to its powers the screening of Supreme Court appointees and . . .

MR. PENTON: Foreign treaties. I believe foreign treaties such as the free trade agreement and any number of other treaties should have to pass the approval of the Senate in exactly the same way they do in the Senate of the United States. The reason I believe it should be the Senate and not the House is that when we have the Senate doing this, we have representation from the whole nation. I'm firmly committed to the idea of a strong federal government but a strong federal government in which all the regions and the provinces are able to participate fully to protect their rights. So I'm a Canadian first, but I recognize the tremendous diversity not only of ethnic groups and linguistic groups but also of regions. We have to recognize that.

MS BARRETT: Okay. I hate to take the time of the committee because I know I could phone you later, but later is not on the record. I'd like to ask you one more question about the Senate. You said that Triple E may be a nice idea but chances are Quebec and Ontario ain't going to go for it. Maybe you're right. What do you think we can sell to the rest of the country to get a much more accountable and elected Senate?

MR. PENTON: I think Jean Chretien's suggestion is probably the most workable, with 24 seats from the maritimes, 24 from Quebec, 24 from Ontario, 24 from the west, and I would like to see at least one from each of the territories and a couple of native representatives. I might say, too, that I would like to see special seats for native people within the House of Commons on the New Zealand model, because I think – and you saw a perfect example in the feelings that were expressed by Keith Chief Moon this afternoon – our native people are ready to opt out of this country; it's gone that far. I assure you that he was very mild in expressing the bitterness that I hear all the time. I feel some of it too. But gosh, let's bring our native people in with goodwill, and I think some of the suggestions I've made could do that.

MS BARRETT: Thank you.

MR. BRADLEY: The theme I want to explore: you and others who have presented before the committee have suggested we move towards a constituent assembly or else referendum. To legitimize that process, you'd have to have a constitutional amendment under the current amending formula. Others just expect it will happen somehow, that you can go outside the Constitution. I would consider it a revolutionary step if you went outside the Constitution. So would you see a constituent assembly or referendum being legitimized by the current amending formula? If you did go outside it, then you'd be going on a revolutionary process.

MR. PENTON: No. What I would see is this body set up as a purely advisory, consultative body where all the difficulties could be worked out. I think the problem with the present process, with Joe Clark's safaris and the attitude of Quebec and the involvement of all the provinces and Jacques Parizeau coming out here, is that politicians of all kinds have their constituencies and they're locked in, whether at a provincial or a federal level, to speak in particular ways. You're elected and you have to represent your constituencies, and that's reasonable. But what I would like to see is a body elected as, let's call it, a consultative assembly in which the horse trading could be done at a different level, where new ideas could be thrown out. I've thrown out some ideas. I'm sure there are many people who have better ideas than I do. But let's take it out of the realm of confrontation and political head-butting and have this body elected by the people throughout the country. Let the horse trading be done there and then go back and say, "Okay, let's see what the people think of it" if we want a referendum. Have the referendum passed by the regions. If it's a positive document with respect to everybody, I think it would pass popularly, and then we could go to our provincial governments and our federal government and say: "Hey, let's install this thing. Let's get together. Let's live together as Canadians with respect for one another and stop the fighting."

I think you've all heard the story about the elephants, about how the German wrote a 12-volume encyclopedia on an introduction to the elephant, the American wrote how to grow bigger and better elephants, and the Canadian, of course: is the elephant a dominion or a provincial matter?

MR. CHAIRMAN: I've told that story at least a thousand times. You just told it very well.

MR. BRADLEY: Briefly, you would use the current amending formula in the Constitution to effect any constitutional amendment?

MR. PENTON: Oh, yes. We can't do anything that's revolutionary, and we can't steamroll. The idea that we can create a new Constitution without Quebec or without Ontario or without the maritimes or the west or the north or the native people is just absurd. We have to work together not as Albertans, not as westerners, not as Quebecois, not as Ontarians but as Canadians, damn it.

MR. CHAIRMAN: Okay. Thank you. Jack Ady, and then Yolande.

MR. ADY: Very briefly, I have some questions pertaining to the process to put your so-called constituent assembly in place. You're advocating that we follow the present constituency boundaries set up by the federal government plus 10 native seats. I guess I have trouble seeing where that type of assembly would differ very much in their views from our federal counterparts today as it pertains to setting up, for instance, the reformed Senate. We're going to still have a majority from central Canada on that if Ontario and Quebec would not accept a reformed Senate. As we see it in the west today with what we presently have, that constituent assembly would probably follow the very same lines.

4:37

I would also like to add that when you advocate that they be elected, they're going to have to be elected on a platform from their constituencies. They're going to be out there following the line that their constituents want, and they're going to go to the bargaining table with exactly the same positions the present MPs would follow today if they'd follow the position of their constituents. I don't quite see how that is an advantage that would satisfy the concerns we have with regional disparity in this country.

MR. PENTON: It would be a body with a very different function. It would be a body created to create a document, a new constitutional accord, if you will. The Senate that I've recommended to you would of course have to be recommended by the people of the provinces, but if you take the sheer arithmetic, central Canada would not dominate it. There would be as many seats in the maritimes and the west as there would be in central Canada, and if you take the north and perhaps some natives, you've got a majority outside central Canada.

You're making an assumption which I think is destructive to Canadian society, and that is that because people come from a particular region, they necessarily vote always in the narrow interests of that region. I don't think that's true. I think you're going to get Quebeckers voting with the west at times, maritimers voting with Ontario, and all sorts of mix-up the same way you do in the United States. I think the Americans at this level have done a better job than we have.

MR. CHAIRMAN: I don't want to curtail the dialogue too much, but we do have one more presenter. It's been a long afternoon for us. There's one more question from Mrs. Gagnon.

MRS. GAGNON: A facetious comment. You sound more like a Liberal to me than an NDP.

MR. CHAIRMAN: No, I won't say it.

MRS. GAGNON: I know what you were going to say: there's no difference.

You didn't talk about the Charter directly. You indirectly, I think, referred to the Charter of Rights. Would you like to make a brief comment on the Charter? Is it the cornerstone for you?

MR. PENTON: It's very definitely the cornerstone, because above all it protects the rights Canadians must have. I must tell you that I feel very strongly about this. As I've said, on my mother's side my family were Metis. They lost the use of the French language because of the incredible pressures in this province. When my grandmother died, my grandfather said, "Look, we're going to speak English; we're going to separate ourselves from the Metis community because it's not good for you kids." What a horrible thing to happen to people. As a kid, my parents were Jehovah's Witnesses, and I remember the RCMP tramping through our halls. There were many people in this country – and it's in *Hansard* – who were sent to prison in World War II for having copies of the King James version of the Bible in their homes that were simply printed by the Watch Tower society. I feel incredibly strongly about human rights. I just don't believe we'll be able to live together with the peace and harmony we really need unless we have that protection of the Charter of Rights. I think it's a good thing.

In reference to your comment about my sounding more like a Liberal than an NDP, I've always thought that many of you Liberals were just slow NDP.

MR. CHAIRMAN: Okay. We have been able to manage to avoid too much reference to party affiliations, and I'd like to keep it that way.

A very quick question by Fred Bradley.

MR. BRADLEY: In terms of the makeup of the Senate that you're suggesting, it's not much different in terms of numbers from the current formula.

MR. PENTON: There are many things that we must leave because we're caught by history. Where we must, we must change the factors that are historical with us, but in many cases we must avoid that change. I would love a triple E Senate. I think it's an impossibility. I must say that when Albertans speak very strongly about it and often speak for the west, they forget that Alberta is only one province in the west. I doubt if there's a western Canada as such, except as a geographical factor.

MR. CHAIRMAN: Well, thank you very much for your comments.

For those of you who are here, I should remind you that we shall reconvene this evening at 7, I believe, but we shall reconvene in a larger room. For those of you who wish to return, we will be in the ballroom.

John Boras, our last presenter of the afternoon. Welcome, John.

MR. BORAS: Thank you, Mr. Chairman. Notwithstanding what we've said, I have never been ashamed of my political affiliation. You are looking at a real live Liberal. I may not be that active.

MR. CHAIRMAN: I know that, John.

MR. BORAS: I don't mind telling you, Mr. Chairman, that if this were just your party committee, I would never have appeared. This is the first time that I've dealt with a government – that is, the whole Legislature – rather than: we elect a party, we give them power, and for five years they do as they please.

I've run in this city in 13 elections, so I'm a little bit of a novice in politics. Four elections were for municipal council. Except for the first one, I've been re-elected every time after that. Five times I ran for the school board and got elected every time. One time I ran for the federal Liberals. Of course I lost that because that's a disease around here. Up till now it was. I've run against the Provincial Treasurer three times and against John Landeryou once. So I have a little familiarity with politics.

Because I do, sometimes I get incensed as to what goes on in our so-called democracy. I sit down and say to myself: you know, why don't we think about it? I want you to think about this. I've got four papers: three I will refer to, and the other one I will just hand to you. The last one I'm going to hand to you was printed as an article here in Lethbridge. It was refused by the *Globe and Mail*. It was refused by the *Edmonton Journal*. Of course, in Edmonton they don't know what Lethbridge wants, and the *Globe and Mail*, I doubt if they know where Lethbridge is. The other three are merely thoughts of mine as I sat thinking about what happens to this country.

We sort of think of this as being a democracy. The *World Book Encyclopedia* says that that means to rule by the people, or, as Abraham Lincoln described it, "government of the people, by the people, for the people." Is Canada a democracy? I ask you, ladies and gentlemen. The head of state: a nonresident Queen, a position held by virtue of birth, not elected. The Queen's representative in Canada: the Governor General, a position held by virtue of appointment by the Prime Minister and approved by the Queen, not elected. Senate: positions held by virtue of appointment by the Prime Minister, not elected, except Stan Waters, but even he had to be appointed by the Prime Minister. The Prime Minister: leadership held by virtue of being elected by the party that leads, not elected by the electorate. The position of Prime Minister is by virtue of being the leader of the party that elects a majority of members to the House of Commons or a Legislature. An exception could be decided otherwise if there's no majority. The cabinet. Are they elected? Not one of them. Every position they have is held by virtue of an appointment by the Prime Minister, and if the Prime Minister or the Premier says, "I don't like what you do," they'll sit around and freeze before they get a cabinet position. As a matter of fact, they might not even belong in the caucus.

Members of the House of Commons. Somebody's got to be elected in this democracy. It's held by virtue of winning an election in a constituency, whoever receives the most votes. It may not be a majority of the votes cast, just more than any other candidate. This applies to all of them: you could have elected a mayor in Calgary with about 11 percent of the votes. Even to admit that the members of the House of Commons are elected democratically by the people for the people, their vote in the passing of legislation is controlled by their party, so they cannot vote either in accordance with their own judgment and/or conscience or as their constituents may wish. I ask you: is this a democracy, or is it a dinosaur? Think about it.

That, ladies and gentlemen, is to say nothing about the judiciary, who interpret all our laws. All appointed; no one is elected. It just goes beyond anybody who would address himself or herself to the idea of having a democracy. In the next paper I cite some of the problems Canada has, and I'll go through this first of all quickly.

4:47

Presently Canada consists of English Canada, so called; French Canada, Quebecois; aboriginals; non-English or non-French Europeans; and visible minorities. It's presently controlled by an English majority, whose legitimacy to their governing is the fact that they were the victors over the French in the battle of the Plains of Abraham, both of whom gained their positions by the rule of might is right, colonials without any regard for the aboriginal peoples who were here before both the English and the French. The non-English and non-French Europeans are expected to be English Canadians. Imagine, ladies and gentlemen. I was born in Yugoslavia three and a half years before I came to this country, and they want me to be an English Canadian. How the hell can I be an English Canadian? I'd love to be a Canadian, but an English Canadian? Forget it. How can I be somebody that loves this when I have to be either English Canadian or French Canadian? The visible minorities: in addition to being neither of the above, they appear just different enough, especially due to language, colour, culture, that the essential trust required between parties to work together is nonexistent.

The common thread in each of the above facts is that all the relations are based on the outdated idea that might or power is right, in which any form of democracy is first to majority rule without adequate meaningful consideration of the rights of minorities. The problems of all these majorities and minorities are like that. It's a lack of trust between these groups. Only the French Canadians form a real majority in a fairly definable area, and as a result they're the ones that are saying, "We want to be masters in our own house." They've had enough of it. If they separate, well, so they do. Isn't that what we want in a democracy? People should have the right, collectively or individually, to do things. They're prepared to forego their individual rights in favour of their collective rights. That's their first priority; I accept it. Other minorities, because they don't have a majority in a reasonable sized geographic area – that's what we tell the natives: "You're all over the place, so you don't get any rights." We just have to, the rest of us, and that includes women, I might say, Yolande.

We have to somehow figure out how to get along. For the aboriginal people, some form of sovereignty acceptable to them. For the rest of us, an acceptance by whatever majority exists as Canadians, not English Canadians or French Canadians, in every way and without advantage to anyone or any region. If this can be achieved, then the fact that Canada is no longer what it is today but a place where people are people irrespective of their places of origin or the region within which they live would be a greater asset than the retention of Canada as it is today. An agreement by people who are free to enter into agreements will stand. Rule by might or power is right will not stand up.

I've been critical. How about some solutions, a democracy for the 21st century? For a democracy in the 21st century to be viable, I think it has to be perceived as just, equitable, accountable, freely and voluntarily entered into, and belonging to all of them, not belonging to a set few. Regardless of how you do these things, there's one essential thing you have to have: one person, one vote, and this is only altered when you have to prevent the tyranny of a majority or any perceived powerlessness on the part of minorities and the protection of individual rights. All the delegations of power to someone else should only be pursuant to a vote. Any appointed position should be ratified by a vote of some elected body. Power should therefore be exercised by those so authorized by a system of voting that meets the aforementioned criteria.

All legal entities have to have some hierarchical form. We have the head of state: President, Prime Minister, Chairman, Governor General, whatever, with some final stamp of approval. We have an executive: subordinate office holders, cabinet ministers, whatever they are. We have a judiciary; they have to interpret these things. We have a Legislature consisting of elected delegates representing the wishes of the majority and giving minorities a voice. Other elected delegates are selected on some basis other than one person, one vote: minorities or regions.

Notwithstanding that throughout history and even in so-called present-day democracies there are many methods used to achieve democratic results and meet some semblance of acceptance by the population, most are deficient in some ways. Not to rule out any other ideas, this is just an example: the head of state should be elected in some way at large throughout the country or appointed by the head of the executive, and then the appointment should be ratified. The chief executive officer, Prime Minister, President, Premier, whatever you want to call it, should be elected at large or appointed by the Legislature, which in fact amounts to ratification. The executive, the cabinet, should be appointed from citizens at large by the Prime Minister or President or Premier and not from any elected legislators, thereby avoiding legislators being beholden to whoever appointed them. Appointments should then be ratified by the Legislature.

The judiciary, the final arbitrators. For example, the Supreme Court of Canada and all appeal court judges should be appointed by the Prime Minister, Premier, President, whatever you want, but ratified by the Legislature. However, all first instance trial judges – and you lawyers should know this: we should be judged on fact by our peers. We should elect them. They should be our peers, not somebody someone likes, who belonged to the party, paid the party, and got appointed. All the appeal courts should be appointed, because they're going to deal with law.

The Legislature should be elected for a fixed term of office in constituencies whose borders are drawn up by a commission appointed and ratified by legislators. The elections for legislators should be at a fixed date for all levels of government with a portion of each body elected each time. For example, a Senate could be elected for a six-year term and all the other things you can talk about, fixed date elections, and one-third of them, as in the United States, are elected every two years so you can shift the power. In a Legislature, House of Commons, elect them for four years at a fixed date, no choice by the Premier or the Prime Minister to call an election after two and a half years or wait till five years if the polls are right. None of that. Every two years one-half of the people that are elected every four years would have to be moved in. This would do away with the ideas that you see commonly now: referenda and plebiscites. They're very difficult to handle. If you could force half of your legislators, your Senate, your elected judiciary, or your mayors, councillors to come up for election every two years, then you wouldn't have to have referenda. It would make them shift.

The other thing is that you should have elections that are 50 plus 1 or else some portion or proportional representation. I won't go into that.

There's another thing we should do. We should try and get voters out. We should give an incentive to people to vote. If you pay taxes and you've got a stub that says you voted, you get something off your tax. If you don't pay income tax, you pay property tax. If you're unemployed or if you're an old-age pensioner and you don't pay tax, they take it off if you can't show that. Get out there. We want people to vote. That's the main thing.

This is merely a skeleton, ladies and gentlemen, of what my suggestions might be. I'm open for questions, and I'll pass the fourth one up to you. You've got more money than I have, and you can make copies here. I thank you for the privilege of being here.

MR. CHAIRMAN: Thank you very much, John, for your specific recommendations.

MR. HAWKESWORTH: Do you believe, Mr. Boras, that Americans have been better served by their structure of government than we have by ours?

MR. BORAS: Except for medicare; we've done better that way. Generally speaking, I'll give you an example. No matter where you come from in the States, you know, you go there, and you become an American, boy. An American. I came from Yugoslavia, and I can tell you my father was a bohunk. I was a bohunk for years. I'm not being critical. God, if you came to Yugoslavia where I was and you were English, you'd be ostracized, you know, but that's the majority/minority syndrome, and you've got to make it more democratic. If you noticed my first remark, we don't have a democracy even in the Legislature: these people. I don't know who your House leader is, but he tells you how to vote. He tells them all how to vote. This morning they brought in a gun control law in Ottawa. You know, they had it all packaged, and they're going to go through a sham. They're going to take a vote along party lines. Is that debating an issue? Let's be honest about it. There's no debate. It's a farce. But if they said: "We're going to bring in the budget" or "We're going to debate something," let everybody go in there and don't worry about being kicked out. You've got a fixed state, and you stay there. Those are some of the things.

4:57

MR. CHAIRMAN: Okay. Thank you. John is an eloquent answerer as well as presenter, so let's . . .

MR. HAWKESWORTH: As you've gone through your list of proposals, you basically recreate the American structure, yet when we look at the last presidential election, I think only slightly over 30 percent of Americans actually got out to vote. Over the last 30 years the number of Americans has been decreasing to the point that they're only at about 30 percent, whereas even in our elections a substantially higher number of people are participating, at least in the electoral process. I'm just wondering if part of the problem is simply the political leadership, and we're trying to solve a political leadership problem by generally throwing out the system we've got and replacing it with a brand-new one. Is your sense that our problem in this country is as much political leadership as structures? Aren't there maybe some less dramatic overall changes that could be made to make the current system much more responsive without sort of replacing it with an American one?

MR. BORAS: I should tell you that this country's problem is that they think change is a disease. We shouldn't fear change if it's done for a good reason. You've got to remember that there are two reasons sometimes why you have a low turnout. Maybe people are satisfied. Think about it. It might be; I don't know. That's why I suggested some form of incentive for people to get out there and vote. City council: we have to vote, and sometimes I just about feel like leaving the room because really it's a yes or no, and that's the problem with referenda and plebiscites. It's so easy to answer it yes or no. In this city we had a referendum on Sunday shopping. The no-Sunday shoppers won, and we ended up having Sunday shopping. What did we accomplish?

MR. CHAIRMAN: Well, of course, who drafts the question and puts the wording in? As you know, if you're in the process, it becomes quite a challenge.

Yolande.

MRS. GAGNON: Very, very quickly, two questions. Do you believe in the possibility of a free vote within a party system, or is that a myth?

MR. BORAS: I would like to see a free vote. I have really enjoyed municipal politics. As I told you, I ran provincially and federally. I'm not sure I'd survive there under those rules. I'd tell them to go to h-e-l-l. Am I not an individual? And you're going to carry something over my head and say, "You vote this way"? Mr. Carpenter doesn't tell me how to vote, and I don't tell him how to vote. We function. We have a lot of 4-5, 6-3 votes, and some people say, "What's the matter?" You know what's the matter? They're all so darned conservative, they want 9-0 for everything and don't change anything. Well, life goes on, and either we will deal with change or we will be awakened by it and dread what happens to us. We've got to find some way to comfortably change people's attitudes and what they do.

MR. CHAIRMAN: Fred Bradley.

MR. BRADLEY: I just really had a couple of comments. I was interested in your idea that we have to provide some incentive for people to vote. It used to be that you would treat people; in the old days of politics you would buy them a bottle or a drink, and that was called treating people in terms of getting them out to vote the way you wanted. So we abolished that; that's against the law. You want to bring in this treating on an officially sanctioned basis to get people out to vote.

MR. BORAS: Fred, can I answer that? You get a credit for the amount of people that vote. When you vote federally, you get a credit. If you get X number of votes, you get money back. That's giving you an incentive.

MR. ADY: And a penalty if you don't.

MR. BORAS: And which?

MR. ADY: It's a penalty, though, if you don't vote.

MR. BORAS: It's only a penalty if you didn't exercise your right, I guess.

MR. BRADLEY: The other comment you made was somehow that our House leader tells us how to vote.

MR. BORAS: He does.

MR. BRADLEY: I just want to debunk that. Recently in the Legislature our House leader wanted our members to vote one way. It was a motion which required unanimous consent. A number of our members said, "No," so the motion didn't go forward.

MR. BORAS: I heard about that, and I regret that that happened.

MR. BRADLEY: You're arguing against the thesis you're putting forward. I just wanted to debunk that we vote as the House leader tells us.

MR. BORAS: I'm not looking at Mr. Horsman. The Liberals and the New Democrats have done the same thing.

MR. CHAIRMAN: Anyway, listen, we could get on into . . . Pam Barrett wants to ask a question.

MS BARRETT: Yeah. For the first time since we started these hearings, I do not have a question; I have a comment. I think that not only you but members who listened to you today should know that caucuses do structure themselves democratically. For example, caucus solidarity on a question is determined on the question before the question is put. You should also know that every party in the Assembly . . . And I'm not ordinarily one to defend Conservatives.

MR. BORAS: You're the House leader of the other party, I know.

MS BARRETT: Yeah. Every party in the Assembly has had several – in fact, the NDP is probably the caucus that most commonly splits on votes, even on the floor of the Assembly. I share with you a lot of gripes and all of us do. We're talking now about what we're hearing about the system in general, but I want to make sure that you understand that (a) party Whip is not something that is automatic but is something that is voted on, and (b) caucus solidarity, even on the floor of the Assembly, is not always required. I really think it's important that you and the people here understand that so that they don't go away believing that the Whip is the Whip is the Whip. It's not true.

MR. BORAS: The Whip is the Whip is the Whip. You have the pleasure of being in opposition, so if you split, it doesn't matter a hell of a lot. But if his boss brings in a Bill: "No damn way," he says, "this is going to go." I'm not looking at him. If it was the Liberal or NDP in power, you people had the pleasure of doing that.

MS BARRETT: I don't think you heard what I said.

MR. BORAS: Yes, I did.

MS BARRETT: The Conservatives have split on votes in the House itself.

MR. BORAS: How many times? How many times?

MS BARRETT: Not a lot . . .

MR. BORAS: That's what I was saying.

MS BARRETT: . . . but enough to make my point and to state something accurately that may not show up in the record of *Hansard*.

MR. CHAIRMAN: I've often said that it's too bad that the public is not let in on the debates in our own caucus as we arrive at decisions. If anybody thinks that 59 Conservatives – or 58 because the Speaker doesn't come in to discuss matters of policy. If they think that a minister brings in a Bill and says, "This is the way it is; take it or leave it," it ain't so.

MR. BORAS: But it is within your power to do that if you want to declare your caucus open.

MR. CHAIRMAN: Well, that's worth while thinking about, because I think it might be very . . .

MR. BORAS: So don't tell me your problems.

MR. CHAIRMAN: But don't necessarily throw out the British parliamentary system in favour of the American system.

MR. BORAS: That's the hang-up that some people have: this is it and nothing else. Change: we can't do that; my great-grandfather did it, and my grandfather did. We've got to look at it.

MR. CHAIRMAN: John, we're listening to you. We're listening to you. I'm just saying don't necessarily throw out the British parliamentary system for the American system, which you're by and large advocating.

MR. BORAS: I'm not. You're labeling what I'm saying as American and what I'm opposed to as British. I don't think I said that in my presentation. Mr. Hawkesworth mentioned it. I didn't say it.

MR. CHAIRMAN: Well, I got the impression, John, with respect.

MR. BORAS: I know.

MR. CHAIRMAN: This is perception, I guess. Maybe we should end on this: what is perception and what is reality?

Let me tell you a little story to conclude this discussion. I've told it before, and some people will have heard it. This is a story about a young diplomat on this first posting, to Lima, Peru. On their national day he attended several cocktail parties to celebrate Peruvian independence. When he finally arrived, very much the worse for wear, at the official presidential palace, there was a glittering assemblage and a beautiful hall. As he came into the room, he perceived a vision in scarlet on the other side of the room. As the music struck up, he staggered across the floor and asked for a dance. The answer was: "No. First of all, you're drunk. Secondly, the music is the Peruvian national anthem. And thirdly, I'm the archbishop of Lima." So perception is not necessarily reality.

I think on that note we will adjourn until 7 o'clock.

[The committee adjourned at 5:06 p.m.]

7:06 p.m. **Thursday, May 30, 1991**

[Chairman: Mr. Horsman]

MR. CHAIRMAN: Ladies and gentlemen, I'd like to commence the proceedings this evening. For those of you who weren't with us during the course of the afternoon, which was lively and interesting and during which time we heard 12 presentations, I'd like to just give you a quick outline as to the procedures.

First of all, I'm Jim Horsman. I'm the MLA for Medicine Hat, and I'm the chairman of the select special committee of the Alberta Legislature comprised of 16 members of the Legislature representing all the parties. We have divided our committee into two panels. These two panels are in different parts of the province. At the same time we're here, there is a panel in Red Deer this evening, and they will be doing just what we're doing, starting just about now.

Each presenter – and we have a full list of presenters up until the coffee break – will be entitled to 15 minutes. The bell will ring at the end of 10 minutes, and then there will be a further five-minute bell. At the end of that five minutes we hope that not only will your presentation have been completed but all the questions that may have arisen from your comments from members of the panel. We are going to hear, in addition, from some other people who have indicated their intention to give us their views. But in view of the fact that they had not indicated earlier than just in the last day or so that they wanted to be heard, we're going to have to probably expect that they won't be subjected to the same questioning that you might get on the other matters, because we do have to conclude and be on our way by aircraft no later than 10 o'clock this evening.

That being the case, I'd like to get under way, and I'd like now to ask my colleagues, starting on my far left, to introduce themselves, and then we'll go quickly around the table and then get under way with our first presentation.

MR. HAWKESWORTH: Thank you, Mr. Chairman. Bob Hawkesworth, MLA for Calgary-Mountain View.

MRS. GAGNON: Yolande Gagnon, MLA for Calgary-McKnight.

MR. ADY: Jack Ady, MLA for Cardston.

MR. BRADLEY: Fred Bradley, MLA for Pincher Creek-Crowsnest.

MR. SEVERTSON: Gary Severtson, MLA for Innisfail.

MS BARRETT: Pam Barrett, MLA for Edmonton-Highlands.

MR. ROSTAD: Ken Rostad, MLA for Camrose.

MR. CHAIRMAN: On my left is Garry Pocock, who is the secretary of the committee. Garry is an official with the Department of Federal and Intergovernmental Affairs.

Now, Rae Alexander, please. Welcome. Don't be apprehensive, believe me, but do speak into the microphone.

MS ALEXANDER: Thank you.

The government of Canada has provided a Constitution for its people but has found it unsatisfactory in certain areas. Wisely, the government has turned to the Canadian people to ask them for comments and ideas that would aid them in their constitutional reform. It is an honour to address such a committee.

As it now stands, the Canadian Constitution holds out many guarantees and freedoms for the citizens of this country, but however nice those guarantees appear, Canada has many deep-rooted problems. It is because I'm a first-generation Canadian and a daughter of a World War II and Korea campaign veteran that I feel strongly about taking this opportunity to address this committee when the opportunity is given to me. Other countries do not make such an offer to their people, and I'm proud to be in a country that does.

I'm deeply concerned about the state of this nation. Canada is still a very young country by world standards. It has never been torn apart by civil war, something none of us certainly wants to see. It has tried to grow in international stature by following methods of government and legislature that have proven somewhat successful in other countries. However, in its struggle for international recognition, Canada is beginning to fall apart. I do not intend to address the issue of Quebec's separation but refer to this matter only in regards to the political machine that already is in place.

Most young politicians begin their careers with a hopeful will of making a difference or of serving the people. Unfortunately, this energetic glow soon becomes lost in the din of that machinery. Perhaps our government representatives should be elected for shorter terms. This may curb the notion that once elected, their long career is automatically achieved. This country has quality control agencies in our factories but no such device in our government. I certainly do not presume that controls in our food packaging industry, for example, are not important; indeed they are. But the government is also important. The Canadian people have always trusted their government. One thing we're noted for is being loyal people. We followed our country into war, into wage cutbacks, into freezes; we've accepted other governmental policies without massive, destructive riots. But I fear that these complacent days may end.

Internationally, Canada is gaining a terrible reputation for its human rights issues and its management of natural resources. I find this very sad. Canada's aboriginal peoples are subject to a governmental Act that is the size of a comic book. This is laughable considering our general taxation laws alone fill volumes. Does Canada not care for the nations it once treatied with? I have to wonder. When people are forced to hold weapons against the very agencies that are mandated to protect their freedom, I cannot help but grow concerned that the fabric of this nation is wearing thin.

This fabric was woven by my parents and the generations before them. They built this country by hard work, economic savvy, and by being willing to defend its borders. It appears now that that very country that needed them so badly has turned away from them. Proposed cutbacks in medical aid for senior citizens will hurt them deeply. These cutbacks will hurt senior single women the most. I once read in *Time* magazine that the largest consumer of pet food in the United States was its senior citizens. They were not buying this pet food for their pets but rather for themselves to eat. Is this what will happen in Canada? Will I or my daughter face that in the future?

It almost seems an academic procedure that when the Canadian government is running on a deficit, social, educational, and medical programs are the first to be slashed. How can this same government slash such programs, on the one hand, and then issue posters to the high schools illustrating that people are Canada's greatest natural resource, on the other? Is it fair or even responsible to steer our youth towards a bright future when, unbeknownst to them, it may be unreachable? The rising cost of education in this country may limit enrollment in Canada's colleges and universities. Where will the bright minds of the future come from? Will only the rich have access to higher education, thus allowing that select group the majority voice in governmental policies?

I certainly do not suggest that the governmental agency should not review its expenditures and try to manage its budget accordingly. However, as a mother I would never cut back my daughter's medical or educational moneys in order to aid others who are perfectly capable of managing their own affairs. This is in reference to foreign aid to Kuwait. Canada must get its house in order first, before it is a good neighbour. Although that varies a way from the issue of constitutional rights, if we are talking about a Constitution, then I have the same rights as someone else living in a foreign country who is given Canadian moneys.

Alongside the rights of senior citizens, aboriginal peoples, and youth, I am deeply concerned about the plight of women and children in this country. Women are still subject to discrimination in the workplace and in the courts. According to Stats Canada women still make as much as $1 per hour less than their male counterparts working the same job requiring the same skills. Women still comprise the largest population living well below the poverty line. I myself fit into this category. My daughter and I live on 10 times less the yearly salary paid to MPs. I'm fully aware that these jobs require expertise, but in all fairness if the country is in the dire straits we are led to believe, how can such wages be excused? The Constitution guarantees the freedom to live, but clearly many are able to do so much better than others. This is in exclusion to free enterprise.

7:16

Another area related to the plight of women and children lies within our courts, the extreme situation of unfair treatment of women in courts, of course, when animals receive better protection than Canadian women. It's still a fact that any male can walk the street at night to the store or whatever; women are still not free to do so. It's just not wise.

The issue of constitutional reform is very complicated. Canada must decide how it will stand in the future. Will Canada become a haven for foreign murderers? Will we throw open our immigration doors to corrupt foreign diplomats? Will Canada become a two-tiered nation of the rich and poor, and finally will Canada become a nation filled with the human rights atrocities it now condemns other countries for? Of course, I sincerely hope not, and I'm sure that everyone who has appealed to your committee, the one in Red Deer, the other ones in other parts of Canada, are all hoping essentially for the same thing.

My presentation is very general, because the only thing I'm an expert in is myself and my own life. Thank you.

MR. CHAIRMAN: Thank you very much, Rae. Are there questions or comments from the members of the panel? Pam.

MS BARRETT: I've never met you before, and I don't know anything about you, but you make a very powerful presentation. I want to ask you if what you're really talking about is some sort of social charter being put into the Charter of Rights so that minimum things you were talking about could be assured in a meaningful way. Is that what you're really getting at?

MS ALEXANDER: I understand your question. That could be a partial solution. I think the biggest problem is that Canada is losing its identity. We don't know who we are on our own anymore. We are still thinking of ourselves as part of the Allies, and we have to develop our own identity. How it treats aboriginal peoples or women, social problems: all of that could fit into some sort of charter, but it's linked to the bigger issue of what is Canada. Whatever Canada is is going to be written into the Constitution. A foreigner would be able to read the Constitution and identify that that is specifically Canada.

MS BARRETT: I rarely have a supplementary, but this time I'm going to do it. How would you do that? Do you have some suggestions for us in terms of how you write in this Canadian identity that you're talking about?

MS ALEXANDER: The simplest method, of course, I think is always dialogue. The importance of a governmental committee coming to this town that is not a major metropolis is vitally important. I don't know how many people have appeared before you, but even if there were five, that's outstanding, because the nature of southern Albertans, the nature of Canadians is more or less just to leave the governing in the hands of those people who govern. We've got to, through dialogue – perhaps if people, in growing awareness from committees like this, begin writing more to their government representatives and seeing them when they're in their constituencies, that may begin the process of getting the identity the Canadians feel they should have to the government.

MR. CHAIRMAN: Rae, could I just ask you a question about the identity of Canada, and that is: do you feel that the Canadian identity is very much enriched by the fact that we are a country which has a bilingual nature; that is, Quebec, which is basically French, and the rest of us, which, while it's called English Canada, is a people of quite a lot of diversity? Do you think that's a thing that can help to unify us rather than to divide us?

MS ALEXANDER: I do very much so. I lived in Montreal for almost a year, and I truly loved it and was treated without any kind of bias by French Canadians. I lived in the French quarter, so my neighbours were people who spoke very little English in comparison. I talked to them about that and what they thought, and they asked me what I thought as well. I think it does enrich Canada. I see no problem if there's a vast variety of people all living within the same borders. I think Canadian people are sophisticated enough to do that without any sort of animosity between them.

MR. CHAIRMAN: Yet as we've gone across the province, we've been hearing that language has become a divisive thing, and we've heard that from many people. Do you have any idea, if you agree with that, why that might be the case?

MS ALEXANDER: A lot of times when we're confronted by something we don't know of or don't know very much of, it creates in us some sort of fear. When you're trying to communicate to someone who doesn't speak your language, that sets some sort of fear. Perhaps because the rest of English-speaking Canada is not fluent in French, they're not fluent in the history of Quebec and how Quebec has struggled for its own identity – if there was more knowledge of that in English Canada, then perhaps that would tend to lessen the tension between the two.

MR. CHAIRMAN: Any other questions?

Thank you very much, and we very much appreciate you coming forward. I hope the next time this type of thing happens, you won't feel the least bit nervous. You did very well indeed. You should be proud of yourself.

MS ALEXANDER: Thank you.

MR. CHAIRMAN: Ken Knox, please.

MR. KNOX: I'm glad to be here. What I'd like to do, first of all, is tell you who I am, where I come from, and where I've been. My name's Ken Knox. I was born in Lethbridge. I've lived in Quebec for two years. I've lived in Yukon. I've lived in B.C. I've lived in Ontario and Manitoba. So I think I've been around Canada a little bit. I'm back here in my hometown, and I'm quite happy to be here.

As far as who I represent, what I've done over the last couple of years is I've brought up certain questions that are on my own mind and I've discussed them extensively and thoroughly with people who I work with, who I associate with, my neighbours. I've gone through the whole gamut of asking them, and I never say, "I'm asking you a question about this to find out your opinion." We just discuss it. What I'm about to say is the large consensus of what they've said. As you can see, I have copious notes. Okay?

I think that over the last little while there's been a lot of commissions. A lot of those commissions have gone out and said, "We want to talk to the people of Canada." What I'd like this committee to understand is that it takes a tremendous amount of, for lack of a better word, bravado for somebody to get up here and speak to you with those people there behind them. I can't see them, so you see it's okay.

MR. CHAIRMAN: Let me tell you something: they're all your friends. Think of it that way. They're all smiling, and they're all giving you encouragement. Isn't that true?

MR. KNOX: Yeah. Good.

The point I'm trying to make is that when this committee goes out on the road, quite often what you're going to get – and it's the same as a lot of committees – are people who are accustomed to public speaking. They're accustomed to making briefs and typing them out and being prepared to present them, to argue their points, to say this, to say that. What you're not getting are people like me, in the vast majority of cases, I believe. That's the people who are middle income earners, who never have an opportunity to do any public speaking, and they don't want to bring their ideas up. It scares the heck out of them. Okay? So I thought that maybe for once I'd take the big risk.

I think that this commission – I see that you're all from Alberta. You're all MLAs, except Garry there, who probably robbed me of two minutes, because he set that clock before I got here. You know, I'm watching you, Garry. Anyway, you're all from Alberta, so what I'd like to talk about is what I feel Alberta's position should be in the upcoming negotiations that are bound to happen for Canadian unity within this country.

7:26

I believe – and I believe firmly – that the Canadian government, the federal government, should not be involved in deciding whether Alberta should be bilingual or Quebec should be bilingual or Manitoba or Ontario or B.C. I believe each province should have its own individual right to decide whether the language of government and the language of commerce within that province will be English, French, German – I don't care what it is. But it should be up to that province. If the federal government chooses to conduct its business in two languages, I believe that should be the federal government's business, not the Alberta government's business.

I believe firmly that the federal government should enact a law that makes it virtually impossible for any businessperson or other person to conduct business in any language of their choice, whether that language is Chinese, Japanese, Hungarian, Ukrainian, German, any of the Slavic, French, or English. I don't think it is a government's position to tell me that I cannot open a store and put an all-Chinese sign on it and have all Chinese labeling to benefit myself as a businessperson or as an individual. I think Alberta should carry that to the federal government. I was deeply offended when Quebec said that if I chose to move there tomorrow, I could not open a business and conduct business solely in English. And I think anybody from Quebec should be deeply offended if the Alberta government said, "You cannot move here and conduct your business solely in French."

I think Alberta should spearhead the absolute abolishment of multiculturalism in Canada. I don't believe it creates a unified country. I don't think it does anything to keep the Canadian people proud to be Canadians. I'd like to relate a little story on that issue. It has to do with my family. My grandfather came from another country. He met my grandmother, who was already here. In my entire life I never heard him call himself anything but a Canadian. He was adamant that he was a Canadian. He spoke another language, which is largely dead now, and he never once was upset about the fact that people didn't recognize his language in this country. He came here for one reason and one reason only. Maybe I'm more fortunate than others because he came here and instilled in me, his grandson, the feelings and the thoughts that he came to a better life, and by so choosing to come to that better life, he chose to raise a family in this country. That family is Canadian.

I've heard the issue of native self-government brought up, and I've heard it brought up just about strictly in the papers. I may make some mistakes here because I get my information out of the papers. I have a couple of native friends who have taught me a great deal, but I don't discuss this issue with them, because it's a little sensitive. I believe Alberta as a province should support and spearhead native self-government. I think the politicians, everybody but Garry, should be quite adamant that they should have self-government, and I think they should quit making it so complicated. To me self-government means that you take the Blood reserve that is out here and make it the county of Blood. You give them the right to tax their own people, and you give them the right to have all the transfer payments that the county of Lethbridge gets. You give them all the rights that any self-governing people have. There's only one proviso I would put in; that is, if they choose not to follow the Canadian Criminal Code within the boundaries of the Blood reserve, they don't have to. But outside those boundaries they're bound by Canadian law, which is our Criminal Code.

When I hear a native say, "I want self-government," I'd gladly give them self-government. I'd gladly give anybody self-government. Self-determination, self-right: take it; it's yours. But with that comes the responsibility of self-government. [A bell sounded]

Oh, gee, you scared me there, Garry.

I would like to make one final statement. I hear quite a bit about this on the news, and I wrote this as my final statement before I heard it on the news. I got the long form, unfortunately, for my census. I came to question 15. I have a 13-year-old son, and unluckily he was sitting at the table. All heck broke loose in my house, because question 15 said: what is your ethnic origin? It listed about 10 or 12 ethnic origins. I read down it, and I couldn't find Canadian. I was really, really upset. I left that blank. I wrote, in the "Other," Canadian. I wrote on the back in the comments that I am Canadian, I was born Canadian, I'll always be Canadian, and that's all I've ever wanted to be.

Thank you very much.

MR. CHAIRMAN: Thank you very much, Ken. Believe me, you've been one of many Albertans like yourself who've come forward in the last few days not as a special interest group or as a lawyer. We've had a few of those. We're kind of a necessity too in life, whether you like us or not, but I certainly appreciate . . .

MR. KNOX: Can I have my taxes back now?

MR. CHAIRMAN: Anyway, I certainly want to thank you for your views. I want to say that you and I have one thing in common: we support the same hockey team.

MR. KNOX: Yeah, but you don't have one with Mullens on it.

MR. CHAIRMAN: No, but that was a good year, though.

MR. KNOX: Well, it was. Nothing but the best.

MR. CHAIRMAN: Bob Hawkesworth.

MR. HAWKESWORTH: Thank you, Mr. Chairman. Let's hope we have another good year like that very soon.

I just wonder if you could clarify one point that you raised. On one hand, I heard you say that language rights should be left entirely up to each individual provincial government to decide what's okay within their bounds. On the other hand, I heard you say that you're quite upset that the Quebec government might have outlawed the use of English on a storefront sign. Is there any way of reconciling that? If we turn over the power to decide language to a provincial government, then along with it is the right for them to decide that you have to use this language and only one language. On the other hand, we could say that the provinces can't have it, or if they can have it, it would be by recognizing minority rights to use of language on their signs. How do we reconcile those two things, do you think?

MR. KNOX: Okay, Bob. What I said was that the provincial government should have the right to decide what the language of government and the language of commerce is. In other words, if I phoned the Legislature in Edmonton, I know that if Alberta has said that we're an English-speaking province because of the vast majority of people or whatever the reasons, I will get an English-speaking operator. I have no right as a citizen to demand that I get a Ukrainian-speaking operator because of the number of ethnic Ukrainians in this province.

All I would like to see the federal government do is say, "We have a law that no province could subvert." I'm sure you realize that federal law overrules provincial law. So we have a federal law that says that the government cannot restrict any individual human being in this country from conducting business in the language of their choice.

Now, I'm sure that if I opened a store in Kipp, Alberta, that was all Chinese and I only spoke Chinese, I wouldn't be a very successful businessman. However, if I opened a store in Chinatown in downtown Vancouver that had nothing but Chinese labels on the cans – no French, no English, nothing but Chinese – I could probably be a very successful businessman. Well, why would the government of B.C. be given the right to tell me that I must put a sign outside my building in English or French or both? That should be my individual choice. However, as the Chinese businessman, if I phone the B.C. Legislature, I cannot demand that the person who answers the phone speak to me in Cantonese.

7:36

MR. CHAIRMAN: Okay, we have a couple of other quick questions for you, Ken, I think. Jack Ady.

MR. ADY: Yes. You did a really good job of really giving detail on the points that you made, but there's one I want just a little bit more on. You said that the federal government should have the right to decide what language they want to conduct their commerce in, and I want to know if you would extend that to the federal offices within the provinces. In other words, if they chose three languages to conduct federal business in, would that necessarily mean that all of our park signs would be in three languages and that the RCMP must speak three languages, that type of thing, or would it just be restricted to Ottawa?

MR. KNOX: I really didn't want to talk about the federal government because this is an Alberta type of thing, but I think the federal government would have to say to themselves, "Supply and demand" or whatever. Banff wants to put all Japanese signs up, and I think 80 percent of their visitors are Japanese or something. Well, I think it's good economics to put up Japanese signs.

All I can do to respond to that is give you one personal example. I wanted some information from the government in Ottawa. So I phoned down there three times. It took me three times phoning because the first two times – and I'm a little bit hard of hearing – the person that I got on the toll-free number spoke such poor English that I couldn't understand what they were saying, so I said, "Well, thank you very much," and hung up and phoned back right away. Okay? I won't say what language. It was such poor English. I think that didn't bother me, but it would have been nice to get the English-speaking operator the first time. I think that if 99 percent of your calls are from English-speaking people, then that office should have 90 percent of the people who are answering those calls speak English. Rather than try to have everybody in that office bilingual, why don't you say, "We've got 10 people who answer these calls, nine of whom are English" – or nine of whatever – "and one speaks . . ." If you get somebody who wants to speak in that language from the federal government, then transfer that call to that person. That would make sense to me.

MR. CHAIRMAN: Gary Severtson.

MR. SEVERTSON: Yes, Ken. I just want to ask you: on the native issue, when you said self-government, you insinuated to me a municipal level of self-government, or do you mean provincial or an independent nation government?

MR. KNOX: I don't think it's an independent nation. Due to my employment I have been in contact with a lot of natives. I know a couple very well that are really, really super good people, and they've taught me a lot about patience. They're really patient. What I meant by self-government was that if somebody wants self-government within the reserve, then I think you've got to accept that as self-government. In other words, quit saying, "We want self-government and self-determination, but we don't want any of the pain that goes with it." In other words: "We don't want to impose a tax on any of our people. We don't want to do this; we don't want to do that. We still want all the money that comes as transfer payments given to us, and we want all the rights." Now I'll list a few. Anybody on the reserve or any native in Canada who wants eyeglasses gets them for free. Anybody who wants dental work gets it for free. Anybody who wants ambulance rides gets them for free. Anybody who wants any of this or that – health care – all get it for free. Maybe it's time that we said: "If you want self-government, then you've got to start to pay like everybody else."

I've had this argument with one friend – I'm 38 years old, which you can tell because I have no hair left. He's 36 years old. He's no more Canadian than I am. I didn't say to my grandparents, "Move here." I didn't say, "I want to be born in Canada." If I went back to the seven countries I'd have to go back to, I can't demand of those governments to give me anything because my heritage is that country. I think we get carried away with this trying to live in the past and make up for the mistakes of our fathers. I'm afraid there is nothing I can personally do to make up for the mistakes of my grandfather, nothing. I'm willing to live in the present, and I'm willing to work for the future, but I'm not willing to pay or have my children or my grandchildren pay for the mistakes of their great-great-great-grandparents.

MR. CHAIRMAN: Thank you, Ken, for coming forward and expressing your views so eloquently and not leaving us in any doubt. Thank you very much. By the way, Ken, the census form is designed by the federal government.

MR. KNOX: PCs, aren't they?

MR. CHAIRMAN: Well, that's what they say.
Okay. Les Visser.

MR. VISSER: First of all, thank you for the invitation to appear before this committee. All I did to earn such an honour was to phone in a request for some information, and lo and behold, I got a phone call. When I was invited, I took it upon myself, like Ken, to solicit some opinions from friends and from people I work with. I've written these comments down, some very strong statements here. I think they should be taken with tongue in cheek to a certain extent, but I think these comments accurately reflect the sort of comments I've heard from the people I deal with, and I think that's probably a fairly representative cross section.

Having said that, if you glance through this small paper, you can see that there are some fairly draconian recommendations here, and I think it's unrealistic to expect solutions like this to go forward without probably the transition of a lot of time. I think Canada is in for a real shock over the next 10 years, and the big reason for that is our economy.

I think if you look at the first paragraph there, under economy, our deficit spending, heavy debt load, and swollen bureaucracy are making Canada a very difficult place to do business, and it's going to get worse. Our manufacturing sector has lost its competitiveness. I think Canada is going through a period of self-doubt right now. We seem to be afraid to take initiatives. We're not going after foreign investment. We're not looking for opportunities overseas as hard as I think the Americans are. As a result of that, Canada is going to come to grips with some financial realities over the next number of years.

When those financial realities hit, I think it's inevitable that our social programs are going to have to be fine-tuned. Canada's got a great set of social programs. I think they're unsupportable, and they will become increasingly unsupportable over the next number of years. If we go to Hong Kong, for example, I understand they have a 3 percent tax rate there. In Hong Kong society people look after their elders. They don't have CPP; they don't have UIC; they don't have a lot of things. That's one extreme. I think Canada is almost at the other extreme. I think we can find a happy medium, but I don't know how we're going to compete against Asian nations with the kinds of social programs that we have right now.

Moving on to Quebec, this ties into the economy as well. I took this quote out of *Alberta Report*: "Quebec accounts for roughly one-half of today's $400 billion federal deficit." That may or may not be true, but I think it's true to at least some extent, and I don't think Canada can afford to keep doing things like this. I really don't. Quebec has cultural requirements that it wants to see go through. If they want to see certain cultural facilities and rights in that province, they should have to pay for them, quite frankly. I don't think the rest of Canada should have to foot the bill. I think Quebec really has to pay for its own ride. I've lived in Quebec; I've enjoyed Quebec. But I don't think Albertans, for example, should be a net contributor year after year to a province that doesn't seem to be at all grateful.

Could I just ask the panel here – I'm here to gather some information here as well – what sort of programs make up the bulk of our transfer payments to Quebec? Does anybody know that?

7:46

MR. CHAIRMAN: Well, quickly on that. The transfer payments are handled through the federal government. The federal government taxes each individual Canadian or corporate Canadian, they put that into a pool, and based upon a formula as to the economic well-being or otherwise of those provinces, they receive certain amounts in transfer payments to be used by the government for whatever purposes they see fit. There are only three contributing provinces. That is to say the people of three provinces contribute more, and those are Ontario, British Columbia, and Alberta.

MR. VISSER: I understand that, but is it CPP or UIC or which programs?

MR. CHAIRMAN: No. That mixes things up a little bit, unfortunately. Of course, there's education through established programs financing for education and health care costs, and the same is true for Canada assistance programs, which cover social programs. It covers such a wide variety of programs, it's hard to give you a detailed analysis quickly, but we could get you some more information on that.

MR. VISSER: Okay. Actually, to further that point. This is not just to pick on Quebec. I think that over time we may see the provinces increasingly demand a reduction of transfer payments and more of a stand-alone system per economic region – I think we're seeing that in Europe – a sort of Canadian economic community, if you will. I think it's more realistic and equitable.

On the native Canadian issue I think that's one where we're really looking at some serious problems in the short term. If we've got natives here in Alberta, in Quebec, and in other provinces that are ready to go violent on us, I think it's high time we acted on it right away. These land claims: I understand some of them have been in front of the courts for up to 100 years. It just has to be dealt with.

Again, it ties into the economy. I think land claims and treaties aside, native Canadians have to become responsible for their own economic future. We can't keep shipping money into the reserves. It's got to be earned after a certain point. I don't think the Indians have an economic base to do that with right now, but I think if these treaties and the land claims were settled, that would give them an economic base to deal from. So in a sense I'm talking about native self-sufficiency and self-government, but I'd be very reluctant to see something like an actual government within a government in Canada. I think that's just breaking Canada up into too many pieces entirely. But as far as a $20 billion bill goes, we're in the hole for a lot already, $400 billion. Another $20 billion is a lot, but it's not going to make or break us. I think once the natives go violent across the country, it's going to be like getting the toothpaste out of the tube: I don't think we're ever going to get it back in there.

On the Canadian national identity I agree with what the previous speaker said. Canadians don't know who they are anymore, and I think to a large extent that's because we've been flogging this Canadian Charter of Rights and Freedoms to the point it just doesn't make sense anymore. It's a rare day that goes by when you cannot look in the paper and see some ridiculous court case going on where somebody has challenged a criminal charge or challenged this or challenged that, based on the Charter of Rights and Freedoms. It's just really gotten out of hand. The most obvious ones are the turban and braid thing in the RCMP. I mean, if we took that to a ridiculous extreme, we could have people moving here from the South Pacific who carry religious war clubs and want to carry those around with their uniforms as well.

I think we have to draw a line somewhere. I'm not a lawyer. I'm not sure how we would do that, but I think a commonsense suggestion would be having a panel, almost like a jury system, I'd like to say, of fair-minded Canadians that can override some of the obvious nonsense that we see going on in the courts. I think this case of Charles Ng in Calgary is one of them. We've got people out there that are swinging a hammer to make 10 bucks an hour, and they're paying probably 20 percent of that in taxes. It takes a lot of guys like that to come up with the $2 million that we've spent on Charles Ng. I don't think that's defensible. Further to that, I really think the Canadian legal system is in trouble because of this sort of decision, and I think the Charter of Rights and Freedoms has a lot to do with it. It's opened the door for the most ridiculous litigation, and we see more and more of it every day.

As a result of that, we have such a promotion of the different ethnic subgroups in Canada that nobody knows what a Canadian is anymore. This is a comment from a friend. It's a bit hard line: we should be promoting Canadian nationalism instead of changing our national identity every time a new boatload of immigrants arrives on our shores. That's a bit extreme, but I think you know what I mean. I'd like to see Canadians singing the national anthem, being Canadians and not hyphenated Canadians. This is a legal matter. I don't know how to address it, but I'm representing some of the views that I've heard at work and in other places.

Finally, the triple E Senate: a great idea. I can't see why on earth Ontario and Quebec would ever go for it, but I think if we can push that as much as possible, it's well worth while.

That's all I have. Thank you.

MR. CHAIRMAN: Thank you very much. Are there questions?

Fred Bradley.

MR. BRADLEY: I had one question. Thank you for your presentation. You mention in your brief, in talking about the economy, that we should eliminate some of Canada's expensive social programs. We've heard from many other people in our hearings that they believe that some of our present health and other social programs should be constitutionalized in some sense. In terms of the suggestions you're making, do you have any specifics as to which social programs you think are so expensive that we can't afford them?

MR. VISSER: I think your job as politicians is going to get harder and harder as time goes on because we're going to see the money running out, and I don't think we can maintain these programs. My suggestion to people who want more social programs – I know it's unrealistic, perhaps – is that they take a bit of a trip, go to Hong Kong, go to the Caribbean, go to eastern Europe: just take a look around. Canada has got it made in a lot of ways. Things are so good here. People that have never left our shores really don't have a feel for how bad it can get overseas. If you watch the news, you get a bit of a feel for it.

The UIC: a very difficult one to handle. I think it can use further improvements. If you get a fisherman earning $30,000 in six months and then collecting UIC for the balance of the year, I think that's ridiculous. We have to lower the cap on UIC. If you've made a certain amount of money in the rest of the year, you shouldn't be eligible for it: that sort of thing. I think this universality of programs is ridiculous. We've got seniors in society here, in Lethbridge, and lots of them, who probably are worth a quarter of a million dollars, and they're applying for programs on fixing up their houses. It's just a drain on provincial money. They don't need it; they shouldn't have it.

I think that if we looked at every social program there is, we could find cuts, and there's going to be a fallout in terms of people being hurt. I think a worse fallout, though, is for the Canadian economy to get so far down the drain that there's no employment here. Then we'll really see what hurts. I think we have to make some tough choices. I think the bureaucracy to support all these programs is swollen too. Again, tough choices. There have to be layoffs in that sector because it's really a nonproductive part of society; it's not a producing part of society. In this global economy we're going to be judged on what we produce, not on how we circulate paper, basically, within our society.

MR. BRADLEY: Just a follow-up on that. In terms of the suggestion that has been made to us that we should constitutionalize some of our health care, or the right to health care, et cetera, do you think that is something that should be in the Constitution?

MR. VISSER: Not at all, no.

MR. CHAIRMAN: Other questions, comments?
Yes, Yolande Gagnon.

MRS. GAGNON: Thank you. Taking the fisherman, again, who has earned $30,000 in the six months of the fishing season, let's say he's got three children. How would you expect him to live the other six months? Go on welfare? You know, you can't really save if you're making $30,000.

MR. VISSER: Yeah, there's always tough cases like that, and I would suggest that we ask people in other countries how they do it with no UIC at all. I think it would take a rethinking of our whole spending and thought processes. It wouldn't be simple; it wouldn't be easy. But if we don't do it, really we're going to be uncompetitive, and everybody's going to suffer. I see programs that almost encourage – for example, say you have a single girl that becomes pregnant. We have programs in place that fund her way through school, et cetera, et cetera. I'm afraid that some of those programs actually act as a bit of an incentive, a negative incentive, indirectly. I've read an article on this. It can act as an incentive to do things that are not responsible.

7:56

MR. CHAIRMAN: Thank you very much. There's one question I'd like to pose to you. You touched on the language issues here briefly and the Quebec matter. Do you believe the bilingual policies of the government of Canada have been beneficial for Canada in helping us to maintain a Canadian identity which is unique in the world?

MR. VISSER: I went to Quebec on a language exchange program, and I gained an appreciation for the beauty of Quebec and the people and the language; I really like languages anyway. But I don't think that policy has done much for us. We've had bilingualism across the country, and all we hear in Alberta from a lot of people is that they don't want French shoved down their throats. They don't want to pay for it; they don't want to see bilingual packaging that costs money. No, I don't think it's been a good policy.

MR. HAWKESWORTH: Just a quick question on that. You said in your brief that we must devise a sovereignty association with Quebec. Are you more or less welcoming the mood, or what seems to be the mood, of some Quebeckers to sort of break away from the rest of Canada and establish an independent country? Do you sort of welcome that direction they're taking?

MR. VISSER: I don't know if I welcome it so much as just realize it is inevitable, simply.

MR. CHAIRMAN: Okay. Thank you very much for giving us your views and those of some of your colleagues, friends, and neighbours you've discussed this matter with.
Larry Conley.

MR. CONLEY: What I hope Garry is doing is passing out a copy of my brief.

MR. CHAIRMAN: Yes, we have a copy. Go ahead, Larry.

MR. CONLEY: Thank you. I'd just like to identify myself, who I am. I'm a member of the Alberta apprenticeship board and past president of the Lethbridge and District Labour Council. My brief will primarily deal with labour concerns. The constitutional issue is a huge one, but to get across the points that I feel very strongly about, I thought it was important that I deal primarily with those types of concerns. To contribute to the discussion of Canada's constitutional issue, here follows a discussion paper from a labour perspective dealing primarily with workers' concerns.

Political reform is absolutely a necessity to ensure that in the future a majority of Canadians are consulted and involved in major decisions facing our country. An item on the constitutional agenda should be a clarification of Canada's national purpose by entrenching in the Constitution federal obligations for the environment, for health, equalization of regions, individual access to a basic income, and research and development. No government in history has tried so hard to exclude and divide Canadians. The basis of the current national crisis lies squarely on the shoulders of our leadership, pitting the east against the west, province against province, English against French and, finally, worker against businessman. The government of Canada now talks about the need to strengthen unity in Canada, but their policies effectively dismantle the essential programs that held Canadians together. Cutbacks in Via Rail and the CBC and the privatization of Air Canada have cost Canadians their jobs. Cuts to transfer payments jeopardizing our universal health care system and our quality education system at a time when Canadians are struggling with their own identity do not show a commitment to a strengthened body.

You will hear submissions from any number of groups on how to strengthen Canada as a nation, but the one thing that will be common to all these people is their need to provide financially for their families. Canadians have the right to support their families as comfortably as this country can provide. Canadians have the right to a decent and dignified existence and should not be deprived of the right by a single political party and its ideological commitment to increase benefits to transnational corporations. Can you imagine the wisdom that went into the decision to pursue the free trade agreement and now a trilateral trade agreement involving ourselves, the United States, and Mexico without being united as a sovereign country? I do feel we should have a stronger federal government committed to Canadians in order to eliminate many of the trade barriers between the provinces and to enforce such an agreement. Only then should an international trade deal be sought. We do not subscribe to the vision of a new world order where Canada's role is to enrich the core economy of the United States with our national resources and where Canadian jobs are secondary and our industrial development is written off. Economic relations between countries don't have to be based on exploitation of people or resources. The workers of Canada need a better understanding of what will happen.

Again, no government has the right to manipulate a work force to suit its own needs or the needs of an economic partner. The higher interest rate policy and the inflated Canadian dollar virtually wiped out a quarter of a million manufacturing jobs in this country for reasons only evident to the Mulroney government. To those ends, I request that you consider a federal government commitment to legislation on increased political and economic literacy in this country. With this enhanced knowledge, workers will understand what is best for them and their families and realize what has to be done to retain or regain their working status. Workers will realize that other governments are committed to their work forces and so, too, should the Canadian government. German and Japanese companies have provided upwards of 200 working hours of training for each employee, maintaining their competitive edge in their industries, and this should also be an aim of legislation in our Constitution. We give our workers approximately seven hours of on-the-job training in this country. Three hundred thousand jobs have been lost in Canada since the inception of free trade with the United States. These are jobs that will never return to this country. What is our government doing for the people? They're doing little.

What we need is a new direction. We need to create jobs, and our governments, both provincial and federal, are sticking their heads in the sand and are cutting research and development grants, the very means on which our future survival depends. I'm again asking for legislation to prevent this from happening at a time when Canadians need so desperately to take the lead in technology and environmental development.

I'm proud to be a Canadian, and we need a strong central government to maintain our commitment to a collective process. A renewed federalism must lead to a truly free and independent Canada where all Canadians are committed to each other whether you're French or any other nationality. In the workplace the Constitution should guarantee humane labour legislation in every province, including pay equity and protection from occupational and environmental hazards. Workers, both white-collar and blue-collar, should be guaranteed what Canadians have always been provided with: a social services net including quality health care, education, child care, parental leave, pensions, and social security. These requests are fundamental to our society and are what sets us apart from our neighbour to the south. I'm quite positive that most Canadians are committed to such programs.

What we need is leadership that will truly lead, giving Canadian workers full access to the political process, guarantees of freedom of speech, assembly and association, and thought along with the right to participate in the activities of a political party. Workers are suffering the wrath of a purported democracy. This is our country, and I am certain that the people will start demanding what should have been already taken for granted: an elected representative truly representing them. Canada must be truly democratic.

8:06

I want to thank this special committee for the opportunity to express a labourer's perspective. I'd just like to add to this that I'm a fighter; I don't back up. To accept something less than what we have simply because someone doesn't feel that we can match our country against another is just not in me.

MR. CHAIRMAN: Thank you very much, Mr. Conley.
Questions? Pam Barrett.

MS BARRETT: Thanks. Is what you're advocating with respect to constitutional change essentially some sort of social charter, as exists within the European Economic Community?

MR. CONLEY: Yes, I am.

MS BARRETT: Thanks.

MR. CHAIRMAN: Yes, Yolande Gagnon.

MRS. GAGNON: Thank you. I'd just like to quote from your paper here.

> Workers, both white collar and blue collar should be guaranteed what Canadians have always been provided with: a social services net including quality health care, education, child care, parental leave, pensions and social security.

Are you suggesting that these would be from a federal level of government and that the money to pay for such things would come from the income tax collection? Who's going to pay for this guarantee?

MR. CONLEY: I am a federalist. I do think that the provinces and the federal government can work together much better than they are working together now. It's time that Canadians started pulling together. We can do this together, and to weaken the central government wouldn't help the situation.

MRS. GAGNON: Okay. Just a supplementary. Education is now a provincial right, at least K to 12 level. Are you suggesting that become a shared responsibility with the feds or that it become exclusively a federal jurisdiction?

MR. CONLEY: Well, as I said, I sit on the apprenticeship board of Alberta, and the goal and aims of the apprenticeship boards across Canada or from province to province – right now it's a provincial jurisdiction. What we're striving to do is make it a national program, because we have our work force traveling from one end of the country to the other. If need be, and it is more efficient to provide a national program for students to be educated, then so be it.

MRS. GAGNON: Thank you.

MR. CHAIRMAN: Larry, since you're on the apprenticeship board and I used to be a minister with responsibilities for that, how does our apprenticeship program these days stack up against that in other provinces?

MR. CONLEY: Our apprenticeship program is undergoing a lot of changes right now. The CBAT program is the one change that is the most significant at this time. But as far as stacking up, we're still number one.

MR. CHAIRMAN: I'm glad to hear you say that.

MR. CONLEY: I came from Ontario many years ago, and even across Canada, Alberta is recognized as being leaders. I'll be darned if I'll give up the right of any Canadian and take a backseat to anyone. We can do it. Just recently in the news we were declared – what? – the second country in the world for having the standard of living most appreciated by people.

MR. CHAIRMAN: A United Nations study showed that, yes.

MR. CONLEY: That's right, and it should never change. It should never be any less. If anything, we should be striving for number one.

MR. CHAIRMAN: Go for number one.
Yes, Bob Hawkesworth.

MR. HAWKESWORTH: Thank you, Mr. Chairman. I'm just wondering. The previous speaker, Mr. Visser, who sat there just before you came up, had a concern that with high debt and expensive universal social programs – somehow he felt that it might be undermining Canada's ability to sort of make it in the world economy and that if we go too far, we just won't have jobs and investment and the like.

MR. CONLEY: I'm not an advocate of a ludicrous spending spree, but I will agree maybe on one point of Mr. Visser's: that we can do things more efficiently. I think that tax money that's paid by Canadians is not being spent well. I think if we look long and hard at a number of programs like he suggested, that money is there. For people to think that we can't provide these programs or we no longer can provide these programs, I'm in total disagreement with that.

MR. CHAIRMAN: Thank you very much, Mr. Conley. I was encouraged to hear your comments about the apprenticeship program. I used to say that as minister a few years ago, so I'm glad to hear you say it tonight. Thank you very much.

Broyce Jacobs. Welcome.

MR. JACOBS: Thank you. I do not have copies for all members. I will leave my brief, and it can be copied if the committee so desires, Mr. Chairman.

MR. CHAIRMAN: Yes. I'll just make the point that when people like to leave – if you have one copy, that's fine, but we'd like to have copies left with us so we can share those with our colleagues on the other panel, and they will be doing the same with us.

MR. JACOBS: This brief has been prepared by myself as reeve on behalf of the MD of Cardston. Although time did not permit the council to conclude a lengthy debate on the subject of constitutional reform, nevertheless I believe the following represents the basic view of the council and many of the people within the MD. I would just like to interject at this point that a couple of days ago when I was questioning some people about some things that might be said at this opportunity, I was interested that several people expressed to me the thought that they used to be proud to be Canadians, but now because of what they feel or what they perceive as not being represented fairly, high debts, many other problems, many of them expressed the view that they wish we would move the U.S. border 200 or 300 miles north. I think some of the reasons people think that way will come out in my brief, Mr. Chairman.

I notice that many of the so-called experts whose advice and input is being sought and quoted in the present debate on constitutional reform are what I call academics. I wish to point out that I consider myself a nonacademic. I am a producer of real wealth. I do not live off other people's taxes or government spending. My family's living depends entirely on what I am able to produce and sell off our ranch. I do not wish to imply that academics are not useful and necessary; however, I believe that we have too many people in this country who depend upon the government at some level for their living. Ultimately, this tax cost is placed upon the producers of real wealth.

Much has been said about constitutional reform. The present debate is no doubt very expensive. It seems to me that we are trying too hard to give special consideration and privileges to certain areas and groups. Do not misunderstand me. I believe we need to do all we can to guarantee basic human rights and freedoms, but if we are going to have a Canada and be Canadians, then why do any of us need special rights enshrined? As long as we all have the same basic human rights and freedoms, why do some need special consideration? If we are going to try to give special consideration to areas, then maybe we should have several countries. For example, although I have no bias against the French language and no objection to someone speaking it if they desire, I resent forced bilingualism. I resent having to pay for the cost of this special consideration, and I do not believe this country needs or can afford two official languages. Also, if we are going to have two, why not three or four or five? There are many who speak languages other than French.

8:16

To remain a unified country I do not believe we can continue to attempt to meet the special needs of all minorities. As I talk to the everyday common people, I sense they share my greatest frustration with this country today; that is, to put it bluntly, we do not feel we have representation in the government. We have too many examples of our elected representatives voting against the desires and views of the people both federally and provincially. If we could design a process that would require the politicians to represent the view of the people and not the party or its leaders, I think we could go a long way towards solving the problems of Canadians.

I do not believe that constitutional reform is the most pressing problem Canadians face today. The national debt, for example, may be of greater concern. The taxes Canadians have to pay are repressing initiative and production. The best way to lower the debt is not to increase taxes but to reduce government spending. The social programs that exist in Canada today are far more than we can afford. We must reinforce the work ethic and increase productivity and reduce our costs, or there will not be a country left to develop a new Constitution for.

In summary, constitutional reform to benefit Quebec or other minorities is not my number one concern. If they do not want to live in this country without special rights and privileges, perhaps they should leave. My greatest frustration is lack of representation and the national debt, both of which are interrelated. There has been much said about Senate reform. Obviously, the present system of appointing friends of the Prime Minister to the Senate is not acceptable. To be effective, the Senators should be elected. Also, in order to give equal representation to all provinces, there should be the same number from each province.

I sincerely hope that Canadians can work together to solve the problems we face. I also hope that governments will start listening to the people and have the courage to implement policies that will reduce government spending and give the people fair, honest, and equal representation.

Thank you very much.

MR. CHAIRMAN: Thank you very much. Questions, comments?

Pam Barrett.

MS BARRETT: Thank you. Two questions. One, you said at the outset that some of your friends have said, gee, they'd rather live below the 49th parallel, and part of the reason had to do with the debt in Canada. I wonder if you or they are aware that while the United States has about 10 times the population of Canada, it also has about 10 times the national debt of Canada.

MR. JACOBS: I'm not sure that's correct, but I believe the people perceive the system south of the 49th parallel as being superior in some ways inasmuch as they think there are benefits to living there; namely, costs seem to be lower in many areas, taxes perhaps are not as high, also a perception that perhaps the people are heard.

MS BARRETT: Yeah, and that actually leads to my second question. It is true that prices are lower in the United States, but if you add in, for example, let's say the business costs of absorbing a health care system that is a national program and doesn't exclude anybody, statistics by OECD indicate that real prices – in other words, the bottom line, like what you take home – are about the same compared to the United States where there is no national medicare program and where about 35 million people have no medical coverage whatsoever. Would you be willing to trade our system, which results in somewhat higher prices at the checkout counter, for the American system, which has no medical program?

MR. JACOBS: There are many, many things in the American system I think we could adapt and use, but I'm not advocating that we would like to make a total trade-off. I'm simply advocating that some people are extremely frustrated by things that have happened in this country the last eight or 10 years. The national energy policy, GST, many other things have frustrated Canadians today. As far as some of the social programs that exist, and you mentioned national medicare, obviously probably politically most politicians would not risk giving up that one, but there are many, many inefficiencies in that system created by its universal nature. Surely we're reaching a point where we probably can't afford to continue to operate the system with its present inefficiencies.

MS BARRETT: But you do acknowledge that the percentage of the gross domestic product spent in Canada on the medicare system is still 2 percentage points less than that which is spent in the United States and which still results there in 35 million people being not covered?

MR. JACOBS: I was not aware of that.

MS BARRETT: Yeah, okay. Maybe I'll talk to you afterwards about that.

MR. JACOBS: All right.

MR. CHAIRMAN: Gary Severtson.

MR. SEVERTSON: Yes, Mr. Chairman. You mentioned that you didn't think Canada could be a bilingual country. Do you mean . . .

MR. JACOBS: Excuse me, sir. I think I said I didn't believe in forced bilingualism. You know, if people want to learn different languages, I respect people for doing that, but what I suggested was that I didn't think it was fair for the majority of Canadians to have to learn a minority language or be forced to learn it.

MR. SEVERTSON: So you have no problem with, say, Quebec having French as their language or New Brunswick with their language . . .

MR. JACOBS: If Quebec wants to speak French in Quebec, that's great; that's fine.

MR. SEVERTSON: So in other words, you would say maybe leave it up to the individual province whether they be bilingual or single . . .

MR. JACOBS: As long as the taxpayers in Canada don't have to pay for that privilege for them to speak French. If they want to speak French and find that that's to their benefit, certainly I respect their rights to do so. You might recall that I mentioned that I believe it's important for a Constitution to enshrine basic human rights and privileges. That's extremely important. So I would have no objection to anybody speaking French or whatever language.

MR. SEVERTSON: Okay. Thank you.

MR. CHAIRMAN: Jack Ady.

MR. ADY: Thanks. Broyce, you mentioned that you felt that governments were not responsive enough to the people, and you adequately outlined some of the areas that you had concerns, and they're certainly held valid by many people. But do you have a recommendation for some change in the system that might be enshrined in the Constitution that would cause them to be more responsive in a manner that would be acceptable?

MR. JACOBS: Well, it might. Not specifically, Jack, but you know, it seems to me that especially federal politicians have to pay too much attention to the caucus and the party and vote the way the party wants them to vote or the leader wants them to vote; otherwise, they can no longer be a member of the party. I would prefer to see them have the right to represent their people and the majority view of their people. Maybe what we need to do is make some vehicle in the Constitution that a party wouldn't necessarily fall because all its members didn't vote for it on every motion.

MR. ADY: A fixed term.

MR. JACOBS: Possibly, possibly.

MR. CHAIRMAN: Yes. Yolande Gagnon.

MRS. GAGNON: You said that you think language education – let's just stick to that area of language – should be up to the provinces. Are you saying that if Quebec wanted to abandon the English minority there, 1 million people, that they should be able to do that? That those 1 million people should not have the right to English for their children?

MR. JACOBS: Well, I think that should be allowed to sort of solve itself within the province. Surely if those 1 million people want to speak a different language, they should have the right to lobby their provincial government, and if a way can be found to pay for the system to operate within the province and it is the desire of a third of the people or 40 percent of the people or whatever, surely the political system will allow that to happen without enshrining that in the federal Constitution.

MR. CHAIRMAN: We've been hearing a variety of views on the subject of education, and since it is one of the key issues in the Constitution which is solely the responsibility of the provincial governments now, would you see any role for the federal government in terms of setting national standards for education?

MR. JACOBS: I believe that the closer we can make political decisions to the people, the more effective and more beneficial those decisions will be to the people. So I'm happy to leave education with the provincial governments and to let them continue to do that as long as they do the best they can to maintain academic standards and to meet the needs of their people. I don't see a need or a reason for any educational needs to be placed with the federal government.

MR. CHAIRMAN: Yet there is a concern about the mobility of Canadians to be able to travel across this country and to take their kids from one school jurisdiction to another in another province. We've heard that expressed many times, and I have as an MLA. How do you achieve that? There is the Canada Council of Ministers of Education which represents all the ministers. Do you think they should be encouraged to try and strengthen the transferability options for Canadians?

MR. JACOBS: I think I understand your question, and perhaps I'm being naive. Perhaps there is some room for some general guidelines, but I'll come back to the premise I made before. Surely provincial educators and provincial governments are interested in the highest possible standard of education for their people as possible. Surely we're all seeking the same thing. Surely we want to educate our children in those areas that we feel they will need to be educated in to be able to be competitive in the future not only on a national basis but on a worldwide basis. Therefore, I believe that people basically – parents of children and their schoolteachers and the principals and those provincial politicians, et cetera – will surely be on somewhat of a similar standard. Why would one provincial government want to have a lower standard than another one? It seems to me we would all try to do the best we can. I'm just not convinced totally that we need that federal standard.

8:26

MR. CHAIRMAN: Okay. Well, thank you very much for your presentation and to your colleagues on the municipal district of Cardston who have given thought to your presentation this evening.

MR. JACOBS: Thank you very much.

MR. CHAIRMAN: Thank you.
Rob Morrison.

MR. MORRISON: Thank you very much for the opportunity to speak here to all three parties. I will hand a copy of my presentation in later this evening.

I'm going to start with a very specific list of suggestions for constitutional changes and then end with a question and hopefully a good amount of time for discussion. I would see some of the changes that would be useful would be listening to aboriginal groups, what they propose for constitutional change, and be willing to go very far in the direction they ask to recognize a considerable amount and perhaps almost total sovereignty of these groups and still make large financial and other support transfers to these groups. If we don't do that, we've got a ticking bomb going on in many of our major cities on the prairies, which is going to give us serious trouble.

I think we should strengthen and protect the French language and culture in Quebec and ensure that that's very clearly stated in the Constitution. I also think we should strengthen native languages, and we also should strengthen language services for immigrants, both training in English or French and also being able to communicate in their own language when they need to seek medical care and can't speak the language here very well. I think we should also have more language training for businesspeople because that's how we communicate to the world.

I'm firmly opposed to a triple E Senate. I would just rather do away with the Senate. I think our principal problems in this country are because our parliamentary system is not democratic enough, and that's where we should be focusing our efforts for change: to increase the level of democracy within and in support of that institution.

If we still want a second House, then perhaps we should consider some sort of permanent constituent assembly that has representatives partially elected and partially appointed from representative groups in the community: labour groups, business groups, consumer groups, aboriginals. Some of the representatives should come from provincial Legislatures, but I really only see it being relevant if it really reflects the population, and it should be at least 50 percent women. I'd like to see the head of that permanent constituent assembly being an elected Governor General, and I'd like to see the powers available to that constituent assembly only the powers to examine parliamentary legislation, to review it, to comment on it, and also to propose legislation to go through the parliamentary system but no power to pass or veto legislation.

I would like to see a parliamentary review of all public appointments, in particular for appointments to the Supreme Court. I'd like to see a system of proportional representation. I think that would be far more democratic than what we have now. I would like to eliminate corporate donations, as they have in Quebec, in the political system. I'd like to see a social equity clause in the Constitution, some of this social charter idea that has been talked about. I would like to see us decentralize more of the administration of this country, and not really so much decentralize regionally as decentralize to the policyholders, in essence, so you decentralize Indian affairs to aboriginal groups; you decentralize unemployment insurance to people who draw or expect that they might draw on unemployment insurance. I would like to see us maintain a strong central government. I still think that in our democratic system the most important principle is one person, one vote, and the person we elect should be held accountable; that is, we can recall them after a fixed period if we're not satisfied with their policies

That finally leads me to my question and the thing I've had the most difficulty with in terms of constitutional change. It revolves around Quebec. I recognize that we have to strengthen Quebeckers' security around French language and culture, but what has been asked for is a whole number of powers to be seceded to Quebec in really what amounts to an asymmetrical federalism. We may see a proposal where Quebeckers would gain all these powers and then would still be in Parliament but would not vote on certain issues or would not be allowed to be ministers of certain portfolios because that power had been seceded to Quebec. I'm really very uncomfortable with that.

What puzzles me most is that this debate or discussion has been occurring for quite a long time now, and the solution, to me, should have been evident by now. There should have been enough proposals put forward by the different parties and horse trading publicly and refining of proposals and starting to put forward specific suggestions that can come back to us here at the committee to react to, and we don't see any of those really specific suggestions. I'm wondering if that isn't a reflection that there's something really deeply wrong with our democratic system that it's not putting forth the proposals. We have, I think, largely a politically illiterate population in Quebec and outside of Quebec. These issues are really being discussed very well, so there seems to be something lacking in our system where our energy is going into grandstanding and creating a sense of crisis when there really isn't a crisis, when some of these are quite reasonable issues that can be solved by reasonable discussion. I'm wondering if you can help me out there. What is the flaw in our system that we can't move fast enough on clarifying these issues and coming to resolutions?

I'm going to stop there and invite comments and questions.

MR. CHAIRMAN: Thank you. Well, to answer your question, I think perhaps because things change so much more quickly now than they used to. Perhaps the parliamentary system on which we've operated and which has evolved over a period of several hundred years was not designed to respond as quickly to some of the emerging issues as the way they are emerging today. That may be a partial answer to your question. It strikes me that what a lot of people are thinking these days is that the politicians just can't respond as quickly as people want them to on a given issue at a given time.

MR. MORRISON: For instance, I read the *Globe and Mail* every day – it arrives at my door – yet I don't even see the discussion in the *Globe and Mail*. Usually the public is ahead of the politicians, yet in this case, where the public should be expressing some of its ideas in the *Globe and Mail*, I don't see those options being put forward. There's some discussion, but it's really pretty primitive.

8:36

MR. CHAIRMAN: Okay. Yolande Gagnon.

MRS. GAGNON: I agree with Jim that we've had a lot of rapid change, and that creates a lot of unease. It threatens a lot of people.

I think one of the reasons for our crisis, since you asked us – I guess it's the first time somebody has really asked us a question – is people seeking power, and in order to get power, they have to feed off the fears of people and create a sense of being alienated. I could name two people in this country whom I think are doing that. So I think there's that aspect too. It's a way to gain power. You want to get somewhere and things aren't that bad, so the only thing you can do is create crises in the minds of people. That's one of my theories anyway.

MR. CHAIRMAN: Okay. Well, other questions or comments?
Bob Hawkesworth.

MR. HAWKESWORTH: Thank you, Mr. Chairman. Perhaps it's just the difficult process that we've gone through with the Meech Lake accord: Quebec putting forward their conditions for signing the Constitution, which they considered minimal conditions, and then having that defeated by the rest of Canada. So a sense of rejection, and now they don't want to go through the process again and be rejected a second time. For the rest of us: burned once, twice shy. Perhaps we're a bit cautious of leading the pack and to some extent maybe looking to the public to give some ideas of where the public really are for the next round of negotiations. As you've been here today, I'm sure you can see that there's no clear consensus emerging. There's a wide diversity of opinions just here in this community and the same across the province. I don't mean to take your question and turn it back on you, because you've come forward with some specific suggestions for yourself about maybe some of the content of negotiations.

In terms of the process, how would you think we should proceed next? Do you think we should develop a list as a committee of what might be a proposed Alberta negotiating stance for the next round? Maybe every MLA on the committee can put forward their individual recommendations, we'll throw it all in a big pot, and come back again to Lethbridge with all of our recommendations for feedback. Do we set up a constituent assembly and let them take the process under their wings and leave us the freedom not to worry about it? I don't know. Where do you see the process going from here, given our recent history in this country of constitutional decision-making?

MR. MORRISON: I don't want to be presented with a seamless web and then be asked to vote yes or no. I would like to be presented with a half-formed proposal. Then the public can help to flesh that out, shift it a bit, bring in some areas that are being neglected, and for sure address more of a range of issues.

As far as process, I initially was intrigued by the idea of a constituent assembly as part of a temporary process that would lead up to some kind of concrete proposal, but I fear that if we don't respect the Parliament that we have at present as being democratic, how can it possibly set up a fair process, appoint people fairly? I mean, we have to go back to the original body. Parliament and the provincial Legislatures are the body, and we have to demand that they represent us fairly. That's what we elect them to do, and that's what they should do. I don't believe in shifting this off to another body that is not accountable, that I can't come back to in two years and say: we're going to elect you out of power now because you didn't represent our interests fully. I'm not really happy with that process.

I'd rather see the process put forward by the representative organizations we have now and not go through a referendum, because I see a referendum only coming forth if we really are clear that we can succeed with it. If it's going to split the country, no federal leader is going to put forth a referendum. If Quebec is not going to go with it, it's just not going to work. The same problem with the constituent assembly. If Quebec will not participate, then it's a useless process.

MR. CHAIRMAN: Interesting thoughts, Mr. Morrison. Just on the subject of referenda. They haven't been used very often in Canada, and when they have been, drawing the question up often consumed as much time as anything, getting something you could say yes or no to. I'll just take you through a little exercise. I'll bet you that if there'd been a referendum after the first ministers came out of Meech Lake, a week or 10 days or two months even after that – do you approve or not of Meech Lake? – people would have approved. There was a euphoria; everybody was happy; everybody was praising it, et cetera. But then when Mr. Bourassa used the notwithstanding clause on the sign language law, there wouldn't have been a hope in Hades of it passing a national referendum. Do you sort of agree with me on that? It's a guessing game obviously now because Meech Lake is a dead horse. Would you sort of agree with that theory?

MR. MORRISON: Yeah. I think timing is everything and what the forces of society are willing to marshall.

What I see happening in California is that the people with the money seem to have the most influence on the referenda, and that's what I worry about most.

MR. CHAIRMAN: There was a very lengthy study on that initiatives process in California, which is very worthwhile reading, because it's now costing more money to conduct one initiative than to elect the entire Legislature in terms of the advertising, et cetera, et cetera, that goes on. It's become quite a business, and firms are set up now. I won't go into it in too much length, but businesses are set up just to collect the signatures, and they're doing very, very well to start the initiatives. People are making a lot of money out of just going out and collecting the signatures that are necessary to put an initiative on the ballot. There are big, big bucks in it. Isn't that an interesting development in democracy?

MS BARRETT: Yeah, it is. I didn't know that. That's interesting.

MR. CHAIRMAN: I'll share an article with you that I got from an excellent, very left-wing professor at the University of Southern California, whose views I regard very highly in terms of his understanding of that initiatives – recall, et cetera – process.

Okay. Thank you very much, Mr. Morrison.

Now, we have one more presenter before we take a stretch break, coffee break, or whatever: Mel Cottle from the town of Cardston.

MR. COTTLE: Mr. Chairman, my name is Mel Cottle. I'm the deputy mayor of the town of Cardston. I found myself agreeing with at least one point in almost every presentation tonight. Before I start my presentation, I would like to say that I've come much more than ever to understand the complex and difficult task that each of you face, because it's not a single easy issue to solve. I can see that more all the time.

The town of Cardston appreciates the opportunity to present its views on future constitutional reform proceedings and the position Alberta should take on several of the more important issues likely to be on the table at that time. I will be brief and to the point.

First of all, we believe in the old adage: if it ain't broke, don't fix it. While there may be some changes needed in Canada's present Constitution, please be careful not to lose those parts that are presently working just for the sake of change or compromise. We hope to see Alberta as a voice of reason when it comes to this matter and to stay the course when necessary.

Second, all provinces should remain equal under the Constitution. No one province should have "special privileges" or status that all other provinces do not enjoy. For example, if Quebec has the right to define language rights within its borders, then all provinces should have that same right. Special concessions to one jurisdiction just lead to trouble for all at some future date.

Third, provinces should retain the right to define – and to pay for, I might add – the educational programs within that province. This is not an area for federal government involvement.

Fourth, within broad federal guidelines each province should be free to administer the health care package delivered to the citizens within that province.

Fifth, we believe it is essential for orderly growth and long-range stability that each province retain control of its natural resources and their related environmental issues. This places the administration of those resources closest to the people most affected and allows for more input at the local level.

Sixth, included in any reform package must be a provision for an effective Senate. Recent events have demonstrated that the time has long past when we can have a responsive federal system and still maintain our present Senate structure. We are not positive exactly what form this new Senate should take, but we are positive that substantial changes do need to be made.

In conclusion, we believe that wherever possible the government of Canada should be one of decentralization as opposed to centralization, one that provides more opportunities for local level decision-making rather than less, and defines Canada around strong, equal provinces, not a Canada made up of special interest groups and a series of notwithstanding clauses.

Thank you.

8:46

MR. CHAIRMAN: Thank you very much, Mr. Cottle.

Fred Bradley.

MR. BRADLEY: Thank you, Mr. Chairman, and thank you for the views you've expressed. I had two questions. One was with regard to the Senate. You said we should have an effective Senate, and that's one part of the proposal known as triple E, which is effective, equal, and elected. Do you have any ideas whether the Senate should be elected and whether or not they should be on an equal basis representing provinces?

MR. COTTLE: I believe my answer is yes to both those questions. I do believe they should be elected, and I believe there should be equal representation from each province.

MR. BRADLEY: So you would be a supporter of the triple E concept?

MR. COTTLE: Yes.

MR. BRADLEY: The second question I had. We've had other representatives from municipalities make suggestions to us that the role of a municipality should be constitutionalized, put in the Constitution. Is that something that your council has thought about, or do you have a view on it?

MR. COTTLE: Actually, I don't. We have not discussed it per se. I don't think I'd be prepared to answer for the council.

MR. BRADLEY: Okay. Thank you.

MR. CHAIRMAN: That was your question too? Okay.

Pam Barrett.

MS BARRETT: Thanks. This is a tough one. Let's pretend that you're telling us or the negotiators who go with the other provinces and the federal representatives with Quebec. You say all provinces should be equal and no one should get special privileges. Quebec says: "We have a culture to protect. We're drowning in a sea of English. We want a special privilege with respect to immigration." Now, let's say it's a yes or a no – and this is not the first time I've asked this question – what do you tell them?

MR. COTTLE: I think I'd stay with my statement that all provinces should be equal.

MS BARRETT: So kiss it goodbye then. Okay. Thanks.

MR. CHAIRMAN: Or give every province the same right.

MS BARRETT: Yes, I understand. But I posed it differently, Jim, and deliberately. I was asking that if it comes to Quebec saying we want X that is different and you're the negotiator and you say . . . I'm testing for, you know, how solid the principle is.

MR. COTTLE: No, I think that I would stay with my statement, and the reason is in the other part of the statement. I believe if we continue to make the special interest groups and the special concessions, we just ask for trouble in the future, and we'll be right in the same position that we are presently.

MR. CHAIRMAN: Yes, Bob.

MR. HAWKESWORTH: Thank you, Mr. Chairman, and thank you, Mr. Cottle, for your presentation this evening. Some people have come forward to us at our hearings with suggestions about which of these various jurisdictions or powers should go to the province, or maybe areas of shared jurisdiction that should become exclusively provincial, and others where they didn't want to see the federal government lose a role to play. Of course, the Quebec Liberal Party has adopted the Allaire report, which contemplates a very dramatic shift of powers to the provincial level. I take from your presentation that you have some sympathy for decentralizing federal powers to the provincial level. I'm just wondering if you've given any particular thought to which ones might become more the exclusive jurisdiction of the provinces, which ones the federal government might remove itself from totally, and if you have any suggestions you could make to us tonight about which areas we could look to?

MR. COTTLE: Of course. I believe I mentioned the resources. Resource development and education I believe are two of the prime ones that should remain in the provincial camp. I think our federal government has more of a responsibility to represent us in the world and to make for a strong Canada in the world community, and areas that would involve that I believe are the responsibility of the federal government.

MR. HAWKESWORTH: If as a result of the negotiations we saw a fairly significant shift of provincial presence in these areas and a decreasing role for the federal government in things like, say, advanced education or health care or housing, some of the areas they've been involved in in the past because of their spending power, would you see quite the same urgency for the need to reform the Senate if there was an increase in the powers that would go to the provincial level?

MR. COTTLE: Just off the top of my head I would say under any condition, unless the Senate is reformed, then I think it should be done away with. I don't see any future for the Senate in its present form.

MR. CHAIRMAN: Could I ask you a question, and I hope that I'm not putting you too much on the spot here. You neighbour a very large Indian reservation, and we've been hearing a great deal as we've gone across the province and in the past few years about the issue of aboriginal rights and the proposals for native self-government. Certainly there's a pretty broad consensus that native land claims should be settled as soon as possible, but then the issue of how one defines native self-government is one of considerable uncertainty, I think it's fair to say, and I don't think my colleagues would argue with that. How would you see enhancing the self-government opportunities for the native peoples, in view of your neighbouring relationship?

MR. COTTLE: I might say that the town of Cardston does work with the Blood reserve on several projects, including a shared sewer treatment plant and water facilities, so there is a lot of co-operation between those two entities at the present time. I certainly wouldn't profess to have an answer at all for the self-government, but I believe an earlier speaker – and I don't recall his name. I believe it would almost make the native contingent stronger if they became more like the rest of Canada, with the same rights, the same privileges, and the same responsibilities as the rest of Canada. I think that almost makes them more self-governing than they are now.

MR. CHAIRMAN: Would you envision the type of government, though, to be more in the nature of a municipal government as opposed to a sovereign province or sovereign nation type that's been suggested?

MR. COTTLE: Yes, I'd envision it more on a municipal level.

MR. CHAIRMAN: Any further questions or comments?
Yes, Yolande Gagnon.

MRS. GAGNON: Just quickly, please. If we had this decentralization, how would we maintain a national economy? Would we not have to have some shared projects and so on to make sure that the economy on the national scale is maintained?

MR. COTTLE: I think I mentioned that I would prefer to see decentralization as opposed to centralization wherever possible. I do appreciate the fact that we have to maintain a federal government, a federal presence, and there would need to be some shared. But if there's ever a choice, I would prefer to see it go the other way.

MR. CHAIRMAN: Could I just supplement that question? Part of the problem, is it not, Yolande, is the issue of interprovincial trade barriers being an impediment to a strong national economy. Would you agree that we should try and eliminate interprovincial trade barriers within Canada?

MR. COTTLE: I don't think I'd have any problem with that. I think that would be a step forward actually.

MR. CHAIRMAN: Well, thank you very much for your participation and thank the people of Cardston. I'm sure your MLA is taking careful note of your representation.

We'll call a stretch, coffee, juice, or tea break or whatever for 15 minutes.

[The committee adjourned from 8:56 p.m. to 9:06 p.m.]

MR. CHAIRMAN: Okay, we'd like to get under way. I'd like to explain to these folks who have not requested a reservation that we'd like them to be as brief as possible, and the questioning may be brief, because we have a plane to catch.

Derek Rogusky. Welcome, Derek.

MR. ROGUSKY: Thank you. I'd like to start by thanking the committee for listening to both my views and those of other concerned citizens.

Just a few issues that may or may not have been touched on by others before me. When we isolate our politicians and our civil servants in a central location, I believe often they tend to lose touch with the people they are responsible to serve. Thus

I feel people are best served when government is as close to the people as possible. Obviously this leads to a decentralized federal system of government. It is important to match the responsibilities of raising revenues, spending, and program-providing as closely as possible. There should be no overlap, and thus no blame can be passed on to various levels of government. Where national standards are deemed necessary, this could be done through negotiations among all the provinces and the federal government. Provinces or groups of provinces could negotiate with the federal government to be responsible for a matter that is under provincial jurisdiction.

A second area we might look at changing would be the national institutions of our government. Obviously the triple E Senate is the one that has been talked about the most, but I feel this is just one area of our national institutions that needs to be reformed. Other areas are those such as the standing committees of Parliament. I feel that people within provinces would be best represented if membership on standing committees was predetermined on a regional basis. Thus no matter what party a region elects, the region will be represented fairly within Parliament. Also I feel Members of Parliament would be better able to speak the wishes of their constituents and not necessarily the party line.

As well, all national regulatory bodies such as the Bank of Canada, various other boards, should have regional representation. This could be either in the form of one member from each province or on a rotational basis.

Another area: national governing bodies should be placed closest to the area they are designed to serve. We're beginning to see this with the energy board being placed in Calgary. We could see various agriculture department offices placed in the prairies and less so in Ottawa. Fisheries, for instance, could be placed in Atlantic Canada.

One other area I'd like to address is how constitutional changes may be made both this time and also possibly in the future. I feel at this point in time it's important, because changes likely will be large and wide sweeping, that an elected national constitutional assembly be supplemented with a group of selected experts such as the task force that sought out opinions as well. This would then be ratified by the provincial governments along with the federal government in the same method as the seven out of 10 with the 50 percent majority. After that, because these are such important changes, I think this should be ratified by a national referendum. After these sweeping changes, I would think any future changes could easily resort back to a 7 out of 10 provinces and 50 percent majority supplemented by a national referendum.

Those are the only three or so areas I wanted to address. Thank you.

MR. CHAIRMAN: Could I just ask you a quick question? We'll keep our questions brief.

You mentioned national institutions. You didn't mention the Supreme Court of Canada. Do you have any views on that institution?

MR. ROGUSKY: Actually, that's the one institution that I think may not necessarily have to be divided on a regional basis. I think our law is such an important thing that whoever is best qualified in that area should be placed there. However, I would like to say that the present way of appointing members to the Supreme Court, that being through the Prime Minister basically – maybe we should look at a system where it must be ratified either by the Senate or by the House of Commons.

MR. CHAIRMAN: That's the process that has been raised before as a concern, so thank you for answering that.

Yes, Yolande, quickly.

MRS. GAGNON: We weren't going to ask additional presenters too many questions, but I do have one for you just very quickly. Looking at national regulatory bodies, would you see a body dealing with the environment, for instance, which has no borders, as having to be national and not regional? Like something dealing with environmental concerns, laws, regulations.

MR. ROGUSKY: So you mean such a body would be under federal jurisdiction?

MRS. GAGNON: Yes.

MR. ROGUSKY: I see the environment as being a jurisdiction that would be most appropriately shared by the federal government and the provinces. We can see presently the bickering going on between Ottawa and Regina because one claims they have jurisdiction and the other claims they have jurisdiction. I think if there was a mechanism in place whereby national standards could be set up and monitored by a body approved by both the provincial government and the federal government, that would be best, because we know how environment and economic development go hand in hand. I think the last thing we want is someone in Ottawa telling us how to do our economic development and that.

MRS. GAGNON: Thank you.

MR. CHAIRMAN: Thanks very much for your thoughtful comments, Derek, and for coming forward.

MR. ROGUSKY: Thank you.

MR. CHAIRMAN: Ernie Patterson.

MR. PATTERSON: Thank you, Mr. Chairman and members of the committee. I hadn't intended to come here. I wasn't sure I could be here. I appreciate you getting me on, and I'll try to be very quick and very brief.

I want to thank you very much for taking the time to do this. I only wish this process had taken place instead of the Meech Lake fiasco we went through. That leads me to the first thing that I think I want to say.

We have made our constitutional debate so complicated and so – what shall we say? – put on a time line that we're losing sight of what we should be doing. I think there's a very simple solution to what we need to do in Canada. First of all, let's get government out in the open again. Let's do away with government secrecy. There's too much of it, federal and provincial. Even as a member of a municipal government, I try to practise open government. We need open government. If somebody gets a government loan, it's public knowledge. If you don't want it as public knowledge, don't ask for it.

The second thing is: no more caucus. Everything should be debated in the open, as it is in the municipal council. No more Whips and no more dogmatic leadership either at the federal level or at the provincial level. Every MLA has the right to stand up and say what he or she wants to say and vote that way. Every federal Member of Parliament should do exactly the same thing. It works in the United States. I saw the United Sates

Senate. I watched it on television. I was fascinated with a vote on whether they should declare war on Iraq. A Democrat voted one way, a Republican voted another. Unfortunately in Canada, because of the costs of getting elected, we need to have party systems to help people get elected, but we should not have the signature of the leader on the candidate's paper saying he's okay to be a candidate. If the nominating convention either provincially or federally nominates that person to run for that party, then they run and it's not up to the leader.

2:16

Actually, we have a dictatorship in Canada. We saw Margaret Thatcher thrown out in Great Britain. That wouldn't happen in Canada. It wouldn't happen provincially either, because we're so subjected to the caucus system. You can tell me that it isn't so. It is so. Even some of the questions asked in the Legislature are planned ahead; it's not open and free debate. So that's the first thing: to restore trust, to get openness and do away with the caucus system. If we did that right now and you people in the provincial Legislature could set an example for Canada, that would be the greatest constitutional revision that could take place. It would restore faith in elected people, and it would bring the whole issue out into the open. It would get away from 10 ministers and the Prime Minister sitting behind closed doors and making decisions for us. They have no right to do that. I am glad of one thing: that the people in Canada stood up and gave a message to you people in the Legislature and the federal Parliament and to every Premier in Canada that we're not going to tolerate that sort of thing in Canada anymore. So that's the first thing I would ask for, just that simple thing.

The second thing is: please stop putting our Constitution on a time line. We set a time line with Meech Lake; then Quebec comes and sets a time line. We don't need time lines. Our Constitution will work if we can get responsible government.

The Senate is not going to be the answer. It probably never will be reformed fully. But if we could get every Member of Parliament to be responsible to their constituents and to be accountable and vote the way the people want them to vote, all it would have taken is 22 Members of Parliament from Alberta standing up and saying no to the GST and it would have been defeated. That's all it would have taken. The Senate didn't work; it got stacked. So it's just that simple question.

The other thing I want to say is that I believe strongly in the Charter of Rights. I've been appalled when people sitting here say we should do away with the Charter of Rights. It's fine to say that until it affects you or me. Not many people realize that until the Charter of Rights came in, you didn't even have the right to call for a lawyer when you were arrested. It was in the States, but it wasn't here. That brings me to the Supreme Court appointments. Maybe they can be nominated by the Prime Minister, but it should be endorsed by Parliament the same as provincial judges appointed by the provincial Premier should be endorsed by the Legislature.

The last thing I want to say is that I want to disown myself as a Canadian from all the racial implications that I heard here earlier today. It's appalling. I thought we'd done a lot of work on tolerance and understanding. We as Canadians have always had the impression – and I hope the majority are of this type – that we are tolerant, understanding, respectful of other people's religions and beliefs, and concerned about people's welfare and economic conditions. I didn't hear some of that today. Of course, I'm not quoting from the *Alberta Report*, Mr. Chairman.

Just those few simple things, no more secrecy and individual members being able to think for themselves and not kowtowing to leaders, and we would go a long way towards reforming our whole government process. Members could then ask and truly find out what the civil service is doing, who got loans, who got grants.

Thank you, Mr. Chairman.

MR. CHAIRMAN: Thank you.

Questions or comments? Yes, just very quickly.

MR. SEVERTSON: I just want to mention the time lines in reference to Meech Lake. Under the '82 Constitution, which we were bound by, the time line of three years after signing was in the Constitution. That's how the time line was set.

MR. PATTERSON: Yes, I recognize that, but we got ourselves down to the last three weeks and almost destroyed our country because we insisted that something had to be decided. Well, nothing was decided. Canada still exists. In fact, the greatest thing that ever happened is that one Premier and one member of the Manitoba Legislature had the courage to be individuals. I didn't see that happen in the Alberta Legislature. Sorry.

MR. CHAIRMAN: No, it was passed unanimously in the Alberta Legislature.

MR. PATTERSON: Yes, unfortunately.

MR. CHAIRMAN: Well, you know, Ernie, we could get into a very interesting discussion here, but as I said earlier, I'll bet you if it had been put to a plebiscite or a referendum before the use of the notwithstanding clause on the Quebec sign language law, Meech Lake would have passed in a referendum in Canada.

MR. PATTERSON: Here's one person here, Mr. Chairman. I was against Meech Lake even before that happened, because I'm against anything that's decided behind closed doors without public knowledge, without public input by elected people. Who gives the right in Canada for 11 people to set themselves up and say, "We are the decision-makers."

MR. CHAIRMAN: The public opinion polls, though, showed very strong support for it right afterwards.

MR. PATTERSON: Maybe, but that's another thing that's gone wrong. We don't lead anymore; we find out by public opinion polls, and that changes with the wind.

MR. CHAIRMAN: And they do change, don't they?

MR. PATTERSON: Yes.

MR. CHAIRMAN: Okay. We are moving along. We've probably gone into a little dialogue, and I'm partly responsible for that.

Quickly, Bob.

MR. HAWKESWORTH: Okay. I'm going to play the devil's advocate with you, Mr. Patterson, because I've also had experience at the municipal level. I'm going to put it to you, again as a bit of a devil's advocate, that in order to ensure that a council says yes this day and no next week and yes three months later, that roll was filled by the administration to impose some sort of overall, consistent policy. I'm not always convinced that elected people at the municipal level – at least my experience with the city of Calgary is that unless you have some kind of overall, consistent policy and the discipline to pursue it and push it and keep it, that role often is played by appointed nonelected bureaucrats. Now, I don't know whether that's quite the same experience in your community, but I want you to know that somehow we don't throw out the baby with the bathwater by sort of asking our elected people that the party discipline be totally abandoned.

MR. PATTERSON: Just a very quick reply. Municipal people have a three-year fixed term. It would solve a lot of our problems if we had that in the provincial Legislature and the federal legislature. We have bylaws. We have policies. You have Acts in the Legislature. Those are your ongoing policies, and I think it would be a shame if I as a municipal politician, as mayor of my community, were to say that the policies of my community depend on the administration. I think that's what's gone wrong with our government: we are so weak as elected officials that we don't take the time or effort or haven't got the courage to stand up and say what's on our minds.

Thank you, Mr. Chairman.

MR. HAWKESWORTH: As I say, I was being a bit of a devil's advocate. You understand that, eh?

MR. CHAIRMAN: Thank you very much.

Bill Sauvé.

MR. SAUVE: I really appreciate the time you've given us, ladies and gentlemen. I'd like to confine my discussion tonight simply to our Senate in Ottawa.

I think our Senate should be revised to have 115 members: 10 members from each province, five members each from the territories, and five aboriginal peoples. The term should be five years. Each year two new members are appointed or get put on the Senate. In other words, two drop off; two more come on. So two people have an opportunity to have a one-year orientation and then four years of reasonable contribution as a Senator.

9:26

Instead of elections – I'll draw your attention to the fact that I believe it cost Stan Waters over $100,000 to become elected to Canada's Senate. I know at least four people who would make admirable Senators who would be not interested at all in going out and soliciting $100,000 campaign funds but who are very passionate Canadians. I suggest that the Senators be appointed by a lottery. It would cost you $250 for a ticket, nonrefundable, and there are two winners in Alberta, two in Saskatchewan, et cetera, each year. Considering the operation of Mr. Allan MacEachen last year, I don't think they could do any worse than what Mr. MacEachen did. This certainly assures us that there is no political affiliation, and I would hope that they would have a little more objective approach to the problems that are facing Canada.

MR. HAWKESWORTH: Just like jury duty.

MR. SAUVE: Well, why not? One of the persons I have in mind is in his 30s, and he's a PhD student in Calgary right now, and I think he would be a fantastic Senator. I think with five years under his belt as a Senator he would be a great gift to industry in Canada or any legal firm. For the life of me, I can't think of anything wrong with this idea except its implementation and the fact that politicians would like to reward their own rather than putting the good of the country foremost.

MR. CHAIRMAN: Well, Bill, that's a very innovative idea, but like any new idea, it may take a little while to sink in.

MR. SAUVE: Well, you have it now, Jim. I hope you would discuss it in your considerations and come up with something along those lines.

MR. CHAIRMAN: Thank you very much. Just one clarification: would it be for one five-year term and then out?

MR. SAUVE: One five-year term and then out. If you want to have a second five-year term, it costs you 250 bucks, and you're in the roll of the dice, as Brian Mulroney . . .

MR. CHAIRMAN: You're back in the hat again.

MR. SAUVE: You're back in the hat.

MR. CHAIRMAN: Okay. Thank you very much, Bill.

Well, we're going to go to the other Hat 110 miles down the road very soon, but we have one more lady who would like to make a presentation: Rose Foder.

MS FODER: Yes. Thank you very much. My approach is somewhat different from the other speakers'. With respect to the booklet, Alberta in a New Canada – I was to go to the Spicer commission, but I was too busy – this came my way, and on the back page it says that if you have any comments, fill it in and send it in. So indeed I did do that on May 1. I just want to share this. It's not very long, but it really comes from my heart. I may be run out of this building. However, it's from my own life's experience, and I think we all have a right to be heard, and I appreciate you giving me this time at the end of a very long day. So here are my comments.

I believe that Canada should remain one country, our country. I've lived in Switzerland for a year back in 1967-68 and then spent two months in Vienna studying German. While living in Switzerland, I became very aware of how proud the Swiss were if they could speak three or four languages. They were fluent in French, German often, English, and Italian. Often the Genevois spoke four languages well. They seemed also very respectful of those parts of their country that spoke their native language. In the northern part of Switzerland they speak German, in the south, Italian, in the west and midregion it's French, and then there's a very unique canton where they speak the Romansh language. In Vienna people spoke German and often another language, either English, French, or an eastern European language.

I believe that we are a role model country at the moment, the envy, a prize on this globe. However, if we fail to acknowledge the unique culture and language of the French Canadians and to accept them willingly and without undue bias and prejudice, then our developed, multiculturally recognized Canadian milieu will be interpreted as a double standard. It could even be seen as hypocritical. On the one hand, we accept Chinese, Japanese, Sikhs, Indians, eastern Europeans, et cetera, but we're unable to tolerate the very substance of our historical origins. My observation throughout life has been that the English want the world to speak English.

It appears to me to be a matter of the maturity of this country. Our country is young. The pioneer spirit still exists, especially in our province of Alberta. We are, as I said, a prized country. However, we are naive with regard to the global community, the importance of our global history, who we are, where we've come from, and where we are going. We are also too introspective as a country and not really seeing the world for what's going on in it. I believe with respect to Alberta that we're very close to the whole scene. We lack only the maritime uniqueness here. There are many different origins in Alberta, beginning with the Indians, the French explorers, and many settlers from eastern Europe and Europe as a whole, who settled our province. I think we can show the way for Canada, and I think we can be the role model that we all want to be.

Thank you.

MR. CHAIRMAN: Thank you for heartfelt thoughts. I very much appreciate you coming forward and giving us your views. It may not surprise you to learn – and I should tell you now – that as of the end of this day our panel has heard 138 presentations from Albertans, 23 here in Lethbridge today. We've heard about the Swiss experience from other presenters, and that's a useful addition to our dialogue, since while Switzerland is a very small country, it is a federation.

MS FODER: Indeed it is.

MR. CHAIRMAN: Some very small cantons and some half cantons are members of that federation. Quite recently the Swiss ambassador was in Edmonton, and we visited with each other over lunch. I talked to him about federalism. He said, "You know, we look at your federation in Canada, and we think: what a wonderful, clear division of powers and responsibilities you have in Canada. Why can't we make it work that well for us in Switzerland?" I thought, well, there's something wrong here. It is a matter of learning from each other, and your reference to that was very helpful.

MS FODER: Thank you very much.

MR. CHAIRMAN: Thank you kindly, and just before you . . .

MR. HAWKESWORTH: I'm just glad you made the effort and were able to come and give us that presentation.

MR. CHAIRMAN: We all thank you very much and all the presenters today. I hope that those of you who have been with us throughout the day and listened to the various points of view recognize that there was a very real divergence of opinion expressed between different people. We would encourage those of you who have not already done so to take our discussion paper, which is a discussion paper that poses questions for your consideration, and, as Rose has done, fill out the last page and send it in to us. We will review that. We have the toll-free number listed in it, and we've received now something approaching 3,000 phone calls with expressions of views and several hundred written submissions and presentations. Now, as I have indicated, we've had 138 presentations before this panel, and I think our colleagues on the other panel will have heard an equal number, and we're not finished yet.

I'll give you this comment as well: when we conclude on Saturday evening, this panel in Calgary and the other panel in Edmonton, we then will meet on June 6, the 16 members of the select committee together for the first time since we commenced our public hearings, and we will then determine whether it is necessary to have further public hearings, to see whether or not there are more requests from across the province to come and meet with people in their communities. We've already had two requests, one from Wainwright and the other from Peace River. We'll see then how much more extensive consultation we'll undertake with Albertans. All of us on the committee, regardless of party, believe that it's very important that we make sure that Albertans know their views are important. While diverse, we will struggle through the process of trying to come to a consensus so that we can represent the broad middle ground and the majority views of Albertans.

Thank you all very much for your participation. It's always good to be back in Lethbridge, but we're now going to Medicine Hat. To me that's a very nice city; I happen to live there. Thank you very much.

[The committee adjourned at 9:37 p.m.]

9 a.m. **Friday, May 31, 1991**

[Chairman: Mr. Horsman]

MR. CHAIRMAN: Ladies and gentlemen, I'd like to get the meeting under way if I could. I'd like to welcome you all here this morning and also, as the MLA for Medicine Hat, welcome my colleagues to my constituency. This is one of the panels of the Alberta Select Special Committee on Constitutional Reform, which has been conducting hearings during the course of the past week throughout the province. The other panel is conducting hearings today in Edmonton, and they'll conclude in Edmonton tomorrow night. This panel will go on to Calgary this evening and conduct some further public hearings this evening and all day tomorrow, and that will conclude the process which we have established to date.

This particular panel has had almost 140 submissions from interested Albertans, individuals or groups, in the days we've had, and of course, today and all day tomorrow we expect that we will hear from a good number of other participants. We've been hearing a very interesting set of presentations. As you might expect, opinions vary widely, but in all I think it's fair to say we've been hearing from a lot of people who really want to see this country of ours succeed, and that's been encouraging to all members of the panel.

I think most of you know who I am, the MLA for Medicine Hat and chairman of this select committee. I'd like now to have my colleagues introduce themselves briefly.

MRS. GAGNON: I'm Yolande Gagnon, and I represent Calgary-McKnight.

MR. HAWKESWORTH: Bob Hawkesworth, MLA for Calgary-Mountain View.

MR. ADY: Jack Ady, MLA for Cardston.

MR. SEVERTSON: Gary Severtson, MLA for Innisfail.

MR. BRADLEY: Fred Bradley, MLA for Pincher Creek-Crowsnest.

MS BARRETT: Pam Barrett, Edmonton-Highlands.

MR. ROSTAD: Ken Rostad, Camrose.

MR. CHAIRMAN: I'd like to welcome in the audience today our colleague Shirley McClellan, the MLA for Chinook and the Associate Minister of Agriculture, who has joined us for the morning, and also to acknowledge in the audience His Worship Mayor Ted Grimm, who is going to observe and listen to the representations that are being made today.

There is a bell which will ring at the end of 10 minutes to alert the presenters that 10 minutes have expired. Another bell will ring at the end of five minutes, and that is the signal to bring the presentation and the questioning to a conclusion. We try to keep within that limit in order to make sure that everyone who wishes to make a presentation may do so. At the end of the morning we have an unscheduled period for anyone in the audience who wishes to come forward and just give us their views, either from any of their written materials or just verbally, and we'll be pleased to hear from people in that respect as well.

I'd like to then ask Dr. Wilson and Dr. Storlien on behalf of the Medicine Hat school district No. 76 to come forward and make their presentation.

DR. WILSON: Mr. Horsman, ladies and gentlemen, we are very pleased to be able to make this presentation on behalf of the public school district No. 76. The school district was founded in 1886, so it's an old institution in this community and, we think, still speaks on behalf of the children and parents of the community in regards to educational issues. We have outlined for you in this brief five points that we feel we would like to make at this time. The board has looked at these. We revised these at our last meeting. Unfortunately, the media reported on the draft, and this is quite a different version. If you've seen some of the media accounts of the report, you'll see that we have since changed some things. The headline, I think, was not exactly what we wanted it to be, but anyway you can't control that sort of thing.

What we're saying in this draft, ladies and gentlemen, is that in this district we believe that education should remain a public function, as it has been, of course, in this community for over 100 years, and we support the emphasis on public education and the continued support of public education, rather than other forms of education, privatized education or whatever you want to call it. That has worked very well here, and we continue to support publicly funded education.

Secondly, we are very much in favour of the existing constitutional practice by which education is the primary responsibility of the province, but it is something which has been in our particular province shared with locally elected jurisdictions. We like that arrangement. It has worked really well for us. Every so often there are little kinks along the way, but generally speaking, it has worked so well that we would continue to support that particular arrangement in all of the categories possible. There is one small exception to that, which we'll make later, which sometimes occurs. But generally speaking, that is our position, the continued support of the present constitutional arrangement.

Thirdly, we as a board support the emphasis on national standards. We support the initiative and the concerns of the Prime Minister in regards to the standards of education. We support the work that is being done presently among some of the provinces in regards to creating national standards, but along with that we are always very conscious that of course the control of education must remain where it has constitutionally been fixed from the beginning, and that is with the provinces. We would prefer this to be and continue to be a collaborative effort, as generally it has been over the past, rather than the imposition of sort of a national set of standards. We would like to also make mention – and this is one of the changes in our brief – that we support the idea of being conscious, of course, of international standards so that we remain, as we are, competitive in our educational system on the world scene.

Number four, our board very much believes in the concept of a Canadianized curriculum. This has been something which has improved even in the last few years in our own province. We see evidence of this, of course, in elementary social studies and in other areas. We would like this to continue. We think it's really important that our young people grow up learning about this country, learning to love this country through the school. For generations that has been the way that people have learned to love their country. I think we have to continue that, and that is really a strong position of this particular board. But once again we underline our consistent belief throughout this paper that this still must be done in a provincial way. So we hope that the kind of collaboration that is being established now in setting up national standards can be used when it comes to the curriculum issue so that there's good work done in the provinces and by the provinces, yet towards the goal of Canadianization.

Fifthly, in a sense a little exception to our strong stand on provincial control, and that is the necessity in some cases of federal involvement and federal funding. In our own district we've had examples of the need for additional support; especially recently, for example, English as a Second Language. Perhaps in some communities it would be French as a first language for the children who are of course the immigrant children. We've had examples of that over the last few years, the necessity to provide these children with English services and the extreme costs of those because of the small numbers. We feel that although we would prefer that to be completely a provincial responsibility, that isn't always the case. Because of the tremendous costs associated with, for example, ESL programs – and in some cases, as you can see, we've listed others in the past and present, current initiatives in regards to stay-in-school programs and what have you – we will have to accept federal support, federal funding in order to make those programs work properly. We just cannot afford in this community to support all the various programs that sometimes come our way that we don't have a lot of control over. We do like the idea of continued provincial control, but we have to admit that it's very nice to have the federal funding on those programs which we find very expensive to manage in our own school district.

9:10

As we discussed the possibility of saying a few things to your committee, I think the bottom line was – and, you know, we are busy people, and sometimes you say should we do it? – I think, as we say in our concluding statement, that the public school board is very concerned about the current constitutional question in this country. We thought it was worth our while to come here and give you our support and our best wishes as you go forward now in preparing your report, and make several points that we feel speak on behalf of the community that, of course, are the public school ratepayers in Medicine Hat.

I'll conclude. Those are just sort of highlighting some of the key points we made, and there may be one or two points that you wish to develop further with us. Thank you, Mr. Horsman.

MR. CHAIRMAN: Thank you very much, Roy.
Yes, Yolande.

MRS. GAGNON: Thank you. Maybe to the superintendent: is it your belief that in addition to the need to Canadianize our curriculum, we don't have enough history? We've melded history, geography, and current events into social studies. Do you think we need to re-emphasize history? It seems to me that one of the things I've noticed as we traveled this week is that a lot of people don't know our story as Canadians. They don't know the story about the west and so on. Should we re-emphasize it and make it stronger?

DR. STORLIEN: I would tend to agree with you on that point. You know the old saying that we're doomed to repeat the mistakes of the past if we don't know what they were. For sure, it would be an important element to re-emphasize that part. Dr. Wilson, as a former social studies teacher, would probably be feeling that also there.

Again, it's a difficult balance. It's the same thing in the work that you do, the balance that needs to be established between studying the current issues and also putting them in the context of history. There has to be that balance, and we struggle between that to establish that balance. We will continue to do that. It's very necessary here, I think, that each one of our students understands the Canadian perspective that they are a citizen of, and I would concur.

MRS. GAGNON: Thank you.

MR. CHAIRMAN: If I could just for a moment. One of the statements you have in your concluding statement, which you didn't read but I think it should go on the record, is:

> In our education systems, just as in the larger context of our total Canadian society, we must start focusing our attention on our commonalities and our strengths as Canadians, not our diversity and our weaknesses. We seem to concentrate our energies on issues that drive us apart rather than pull us together.
>
> Constitutional reform must be a positive force that results in strength and unity for Canada.

I thought that was very, very well worded and succinctly puts the feelings, I think, of many people we've been hearing from in the last few days as we've gone across the province.

One question, though, I did want to pose to you is the subject of language instruction. That has come before us in a variety of ways. I wondered if the board has taken a position on the question of language instruction in French and English and other languages.

DR. WILSON: Mr. Horsman and committee, I don't know if you've heard some of the reports on the radio stations and in the newspaper about some discussion we had of this. I think it may have been a bit misrepresented. Language instruction in both official languages in this community as well as in the German language, which we offer to our children from junior high upwards, is a priority and is one of the goals in our education plan. Not only do we offer, naturally, English instruction in this community, but we offer a core French-language program from grades 4 to 12 to all of our children, and we offer a core German program in our community for all children that wish to take it from grade 7. That is not compulsory, of course, nor is the core French after junior high. The core German takes place from junior high forward. Then we've had for I think five years, if I'm correct . . .

DR. STORLIEN: Six years.

DR. WILSON: . . . six years a French immersion program in this community which is functioning very well, with a lot of parent support for the parents who wish their children to also be exposed and learn the second official language.

I would say, generally speaking, that the board of this school district has been supportive of, open to, and interested in the development of language programs where the public has seen the need and where they've expressed a desire for that. German and French at the moment and English are the three languages we concentrate on. There hasn't been an expressed interest, supposedly, in other languages at the moment. If there was, we would look at that as well. Our goals, Mr. Horsman, in our new education plan very strongly stress the place of language.

MR. CHAIRMAN: Thank you. Any other questions from my colleagues on the panel? I have a couple more, and I didn't want to pre-empt them from asking any questions themselves.

Okay. The section 23 issue is one which is facing our government today; that is to say, the constitutional requirement for instruction in minority languages where numbers warrant. In your view will that likely become an issue or concern to the people of this region?

DR. WILSON: That was one of the points we had addressed in our first draft. The bottom line we had made at that time on the question of where numbers warrant was that we would prefer it to remain a question of provincial responsibility rather than, say, in some other jurisdiction. We haven't had discussions of that because we haven't really determined what children might, you know, fall under Charter provisions here. There hasn't been, that I'm aware of, a strong need for that at this moment. As a board we haven't addressed it.

I'll ask Dr. Storlien if perhaps as an administrator it's come to his attention, because I think that would be appropriate.

DR. STORLIEN: We haven't had any official requests from parents to even start to look at how many numbers we do have in this area, not only in the community but, say, in southeastern Alberta. We will be collecting that information over time as we register new students, but it does not appear to be an issue here.

MR. CHAIRMAN: Okay. Well, thank you very much for your comments. I think you've given us a very clear indication of the point of view of the Medicine Hat public school board.

Oh, one other question; sorry. The federal throne speech made reference to the fact that Canadians are under great stress relative to their literacy. The figure was used of four out of 10 Canadians being functionally illiterate. Is it your experience from the school systems here and the product that you turn out, so to speak, that that figure would apply in this region?

DR. STORLIEN: You know, I haven't put all of our graduates or people who would leave our school system through that same type of testing, but they go through the achievement tests that Alberta Education puts out. Still, the majority of the students – and we have a higher rate than 70 percent. It lies in the 80 to 90 area, depending from year to year, that graduate from high school. They pass their English 30 and English 33 finals. We are very, very happy about the literacy rate as they leave our school system. There's always room for improvement, and we're not saying that we've got that at the level that we want it. It would be certain that we would like to have a hundred percent, which we don't have, but we don't share those same concerns that are felt across Canada. We don't think that we're burying our head in the sand as we are looking at that either.

MR. CHAIRMAN: Thank you very much for those comments and that information. Thank you, gentlemen.

Dr. Fred Speckeen.

9:20

DR. SPECKEEN: Mr. Chairman, ladies and gentlemen, thank you very much for putting me on your agenda so early. I have a plane to catch. You have a copy of my presentation before you. I'm going to move through it very quickly and highlight it.

First of all, though, as president of Medicine Hat College I would like to welcome the select committee to our campus. You're more than welcome here. We're happy to have you here. Throughout the day if there's anything you need, I know that our staff would be most willing and able to assist you, so don't hesitate to call on us for anything you'd like. I'm going to move through very, very quickly, as I've indicated.

The purpose of my presentation, Mr. Chairman and members of the committee, is to speak about the responsibility for educational standards in light of the recent federal initiative on education and keeping in mind provincial and federal responsibilities. In 1987 George Radwanski, the former editor of the *Toronto Star*, was requested by the Ontario Liberal government to prepare a report on student dropouts in that province. A quotation from Mr. Radwanski is appropriate as we consider the topic of standards. I will quote him with the following words:

> There can be no meaningful pursuit of educational outcomes, no effective remediation to keep students from accumulating crippling deficits of knowledge and skills, and no real accountability within our system of education, until clearly defined learning objectives are established for every stage of the process.

Radwanski's call for accountability, learning objectives, measurable outcomes, and standards fell on deaf ears. Ontario was determined to follow the easier path of allowing students to more or less do their own thing. They were allowed maximum freedom of choice, opportunities to discover themselves, and to move up the educational ladder even if they were unprepared for the academic demands which awaited them.

Today these approaches have less popularity, although there is some strong evidence that they still exist. There is renewed interest in our educational systems as we wrestle with competitors, some of whom used to be Third World nations, with highly trained and skilled work forces. As a result, we are severely questioning the nature of our educational systems: what is taught to students, what is demanded of students, what are the qualifications of our educators, and just what are the standards or measurable objectives?

With its usual propensity to move into areas where angels fear to tread, our federal government has announced its intention to cut illiteracy rates, reduce the number of high school dropouts, double the number of college and university students in the sciences, and dramatically increase training programs by employers fourfold. In a paper entitled To Live and To Learn, a paper not yet released, the federal government calls for a reform of our educational systems. It claims that such a reform is beyond partisan politics and intergovernmental sensitivities. While the federal government's concern that goals should be established for students is laudable, the proposed goal of reforming the provincial systems without provincial protestations is not achievable. Regardless of federal reassurances that there is really nothing to worry about, some provinces have already told the federal government to butt out and to reread the British North America Act.

Against this background of the federal initiative I would like to highlight certain educational issues of which you are probably aware, and I'm going to just highlight these very, very quickly. First of all, as you know – at least I think – the two major challenges to this country are focused on competition and productivity, particularly from other countries. As a member of the Association of Canadian Community Colleges Task Force on Science and Technology and as the founding chairman of the Canadian Alliance for Productivity Improvement, I am reminded almost on a daily basis of the threats we face from other countries. As an industrialized nation – and I'm sure you know this – we lag far behind other such nations in our investment in research and development. Organizations such as the Canadian Manufacturers' Association indicate that of the seven highest industrialized nations Canada ranks number six in its investment in research and development. Our educational system, when held up to scrutiny, reveals that some 30 percent of our students do not complete grade 12 and that we have one of the highest dropout rates of any industrialized country. Studies such as that carried out recently by Southam Press reveal that 25 percent of Canadians are functionally illiterate on tests involving language and 'numeracy.'

New standards of excellence are demanded. Flexibility and training programs are required. The call is for persons with a new awareness of science, technology, and the humanities. There is also renewed emphasis on definite program objectives rather than on program length, on training flexibility, and on total quality; that is, a dedication to continuous improvement, customer focus, evaluation, waste reduction, and environmental awareness. This concept calls for excellence; flexible approaches to production and process; the appropriate mix of knowledge and skills; an emphasis on people, coworkers, and customers; continuous improvement; ingenuity; analytical skills; decision-making abilities; and the generation and unlocking of new ideas. As nations around the world wrestle with their sense of destiny, they invariably come back to education as one of the leading factors if not the most important factor which will affect a nation's future. You need only look to recent statements by the President of the United States, the President of France, and the Prime Minister of Canada for evidence of this fact.

In looking at education, the federal government is making this, as I see it, a people matter rather than a matter of jurisdiction. The same kind of argument was used by the federal government when it initiated the Canadian job strategies a few years ago. Although the federal government should be applauded for its interest in national standards for education, health care, and the social services, its involvement must be carefully scrutinized to make certain that it does not infringe on provincial jurisdiction. In his statements Employment and Immigration minister Bernard Valcourt downplays these constitutional questions, and the health minister, Benoît Bouchard, assures us that the provinces will not be forced to become involved with Ottawa's learning initiative. These statements have a somewhat hollow ring based on previous federal exhibitions of interests in education. The reduction in transfer payments alone should be enough to cause the provinces to take a careful look at the federal initiative before buying in. There are other questions which could be raised when it comes to federal involvement in education, such as the federal government's commitment on a long-term basis to funding. A case in point would be the Canadian job strategy program, with a particular relationship to English as a Second Language training, where the dollars are not only in short supply but are not provided on a long-term basis.

The interest of the federal government in educational standards, as I said, is laudable. However, the responsibility for establishing standards and measuring success in meeting them should remain the responsibility of the provinces. The logical way to establish and implement standards and to determine how well they are being met is through the interprovincial Council of Ministers of Education. It is my opinion that this council does not have an illustrious track record. However, it was on the right track in recently calling for a national testing program. It is to be hoped that the federal call for national standards in education will not be lightly shrugged off by the provinces with a dog-in-the-manger attitude, especially at a time when Canada's economy is being challenged by countries which place a high premium on high standards. Furthermore, it is to be hoped that the federal government will not again plough into provincial territories without consultation, discussion, co-operation, and with an absence of threats.

I believe our provinces have educational standards, that they continually monitor them, and that they covet high standards. I also believe they appreciate federal support as they implement changes in those standards. In the case of Alberta I believe insistence that the federal government work through the Council of Ministers of Education is not only reasonable but fully recognizes the legislative authority of the provinces for educational standards.

MR. CHAIRMAN: Thank you, Dr. Speckeen. Questions or comments from members of the panel?

Yes, Bob Hawkesworth.

9:30

MR. HAWKESWORTH: Thank you, Mr. Chairman, and thank you, Dr. Speckeen. It's now the second presentation we've heard this morning suggesting that the provinces and the federal government, I guess, more or less live with the status quo. Certainly, as someone who's a product of Alberta's educational system, I'd like to think that Alberta does have a very, very high standard for education in Canada.

Let me just sort of play a little bit of a devil's advocate with you and ask you for your reaction. How do we ensure in Canada that a good quality education is almost a right of citizenship, so that a child growing up in, say, rural Nova Scotia or rural New Brunswick or Manitoba has more or less the same educational opportunities as a child growing up in Medicine Hat or Calgary, so there's not a penalty because they happen to be in a poorer province that doesn't have the resources to commit to education that a relatively wealthy province like Alberta might have? Maybe that's not a problem now, but do you see it possibly being a problem? Is there any role that a federal government could conceivably play in helping to create a more level playing field for educational opportunity across the country?

DR. SPECKEEN: That's a valid question, Bob. First of all, I wasn't suggesting that the status quo be maintained, other than I was emphasizing what I think is a provincial responsibility when it comes to education. I think there are many ways of co-operating with the federal government in meeting some of the needs that you've identified, but that's a two-way street. My concern is for the federal government to become involved in something that it shouldn't become involved with, in the first instance, and secondly, based on its track record, it has not done a very good job when it has become involved. The CJS program was one where it was simply implemented and then forced on the provinces with the argument that the federal government was concerned about the employment of its citizens. That's certainly a valid position, but the approach I questioned even then, and I still question it as a result of the track record of that program.

What you're pointing out is certainly a concern that those of us in education have. I'm just as concerned about, shall I say, the disenfranchised young people and adults these days in the province of Alberta as I am about my fellow citizens in Nova Scotia. What I'm suggesting is that these needs can easily be identified by the federal government. It has the ability to do that in co-operation with the provinces, and I'm suggesting that those needs can be met on a co-operative basis. The transfer payments alone raise some questions, with the federal government cutting back on transfer payments which are designed for educational purposes, and that's going to place the students you're thinking of in Nova Scotia perhaps in a more difficult position.

MR. HAWKESWORTH: Good point. Thank you.

MRS. GAGNON: I have a very, very short question. What about free trade in education, the portability of certificates, of degrees, and so on? It seems now that when you go from province to province, you're always penalized. Your courses are not all recognized, and so on.

DR. SPECKEEN: Well, Yolande, another good question. We have the same problem within the provinces.

MRS. GAGNON: I know. From one institution to the other.

DR. SPECKEEN: One of my concerns in terms of our community colleges is that we must meet the requirements of four universities in this province. My feeling is that there should be some method, and we're working on this. For example, the business programs we offer should probably be the same in all the colleges, with some electives, let's say. But why do we have to meet the requirements of four universities which among themselves can't agree on what admission requirements should be? Portability of credits, to me, is a laudable goal. Here again I think it can be done through the council of ministers. That's what the council of ministers is for. They should be mandated by their particular provincial governments to get on with it and deal with those kinds of questions and problems. It is very difficult to transfer across the country as well as within the province.

MRS. GAGNON: Thank you.

MR. CHAIRMAN: Good point, Fred. You and I have had a number of discussions on that particular concern. It kind of hits home here in Medicine Hat, the issue of being able to take your course of study to the University of Alberta and being told almost inevitably, "Oops, you have to take an extra course." It's most frustrating.

Well, thank you, Fred. You have a plane to catch.

DR. SPECKEEN: Yes. Thank you, Mr. Chairman, and welcome again.

MR. CHAIRMAN: Thank you very much for acting as our hosts on this campus here.

DR. SPECKEEN: Happy to do it. In fact, we're happy to have you here.

MR. CHAIRMAN: Thank you very much.

Paul Houlston and four students from école River Heights, I understand. We can bring some more chairs up, I think, for you.

MR. HOULSTON: There are two separate presentations.

MR. CHAIRMAN: Two separate presentations. Okay. We have Jessica Suidan and Lia Wagner.

MISS SUIDAN: We have three people in our group: Jessica Suidan, Lia Wagner, and Nicole Baumback, but unfortunately she couldn't be here today.

Our report will discuss the constitutional problem of how our taxes should be divided to support social services. Our report will discuss social policy in Canada and Alberta. We will discuss our opinions on how our taxes should be divided to support social services. The social services in Canada and Alberta include things such as health care, welfare, education, and Canadian military services. We feel that a large percentage of our taxes should go towards Alberta health care. It is important that our society be a healthy one and not neglecting health care. We also feel that our seniors deserve a program that covers all health care instead of just a portion. Some seniors may not be able to afford coverage otherwise. We think that half of the health care for young adults and children should be covered by Alberta health care.

MISS WAGNER: Alberta has provided a welfare service, meaning government money used for people in need of money. We feel that some people may be taking advantage of this money paid through our society's taxes. We also feel that this is very unfair to the taxpayers. Money may be used for such things as alcohol, cigarettes, drugs, and unnecessary clothing.

To solve this problem, we think the welfare department should require anyone on welfare to obtain a job. This will partially tell the government that the people aren't spending their time wasting taxpayers' money. If he or she has young children and is required to work, maybe the welfare department could supply some sort of day care to watch the children while the mother or father works.

MISS SUIDAN: We think taxes towards education are beneficial. We think this because the more educated a society is, the better the society is. This will benefit Canada tremendously.

MISS WAGNER: We don't feel that a lot of our taxes should go towards military needs, our reason being that it is not very often that we need the military. We don't want to seem like we are relying on the U.S., but we just don't feel that it is as necessary as health care and education.

MISS SUIDAN: We seriously hope that some of our ideas are taken into consideration.

Thank you.

MR. CHAIRMAN: Thank you very much, girls. Now, a couple more of your classmates are coming forward too? Thank you very much.

Does anybody want to ask one of these girls a question before they leave?

MR. HAWKESWORTH: Could I just ask, because you, Mr. Chairman, asked a little earlier about language education: are you in a French immersion program?

MISS SUIDAN: No, we are in the English, but the other two are in the French immersion.

MR. HAWKESWORTH: Okay.

MRS. GAGNON: What grade are you in?

MISS SUIDAN: Six.

MISS WAGNER: Same.

MR. CHAIRMAN: Thanks very much.

We have Mark Samcoe and Matt Whitson. Bienvenue et bonjour.

MR. SAMCOE: Mr. Chairman and members of the task force, Matthew and I have prepared this report as part of our work for grade 6 social studies. We are studying the levels of government in Canada. I'll give the report in English and the exact same thing in French.

Who should have control over the education system? The education system is very important, and we should try to improve it. Should the federal or the provincial government be in charge of the system, or should it be a joint arrangement? At the present time the provincial government is in charge of most things. In some areas this arrangement works well. All the provinces have different social studies programs that focus on the history of the province. That is fair. But why do all the provinces have different math programs?

Instead, there could be one official system. In certain areas it might be better if the federal government regulated some subjects like math, health, English, science, and core French. On the other hand, for social studies and special programs it would be better for the provinces to have complete control. In B.C., for example, the provinces might decide to teach about the west coast Indians or offer marine biology and Japanese immersion because of their trade links. In Alberta they might decide to teach agricultural science and offer a course about the plains Indians. In this way, the basic areas of education would have the same standards in all the provinces.

I think the federal government should support student exchanges between provinces so we can learn about each other. In this way, we could understand better. The natives say we don't understand them, the west says the east doesn't understand them, and so does Quebec. The sad fact is that it is true. We have to educate ourselves about each other.

9:40

In conclusion, I think that there should be a joint control over the education system so we can better understand each other and have a better Canada.

Le système d'éducation est très important et nous devons essayer de l'améliorer. Est-ce que le gouvernement fédéral ou provincial devrait être en charge du système, ou est-ce que cela devrait être un arrangement conjoint?

Jusqu'à présent, le gouvernement provincial est en charge de presque toutes les choses. Dans quelques sujets cela marche très bien. Toutes les provinces ont des programmes différents d'études sociales qui se spécialisent dans l'histoire de la province. Ça c'est d'accord, mais pourquoi est-ce que les provinces ont des programmes différents de mathématiques? De cette façon, les cours d'éducation seront du même niveau dans toutes les provinces.

Je pense que le gouvernement fédéral doit supporter les échanges d'étudiants entre les provinces pour que nous apprenions plus à propos de nous-mêmes. Cela va nous aider à plus nous comprendre. Les Indiens disent que nous ne les comprenons pas. L'Ouest dit que l'Est ne le comprend pas. Ç'est la même chose avec le Québec. Tout cela ç'est vrai. On doit s'orienter un peu plus à propos de notre pays tout de même.

Peut-être que cela serait mieux si le gouvernement fédéral avait du pouvoir sur les sujets comme les mathématiques, l'hygiène, l'anglais, les sciences, et le français langue seconde. De l'autre côté pour les études sociales, cela marcherait mieux si le gouvernement provincial avait plus de pouvoir ou même le pouvoir complet. Dans la Colombie-Britanique, par exemple, cette province enseigne à propos des Indiens de la côte Ouest, ou la province offre la biologie marine et l'immersion japonaise, car ce sont des chaînes d'échanges. Dans l'Alberta peut-être qu'il faut enseigner à propos des sciences de l'agriculture et un cours sur les Indiens des Plaines.

Pour terminer, je pense qu'il devrait y avoir un contrôle conjoint sur le système d'éducation, pour que nous puissions nous comprendre afin d'avoir un meilleur Canada.

MR. CHAIRMAN: Merci beaucoup.

Mr. Whitson, do you wish to add something?

MR. WHITSON: No.

MR. CHAIRMAN: You have a joint presentation and one spokesman then. Thank you.

Any questions for our presenters from members of the panel? Pam Barrett.

MS BARRETT: Thank you. That's very good. My question relates to your sensitivity to the need for Canadians to know more about each other, and I think you're right that we're lacking that. If you had, for example, social studies classes that were governed strictly by provincial curriculum – and you pointed that out; that, you know, in B.C. they may want to study the Haida Indians and in other provinces we might want to study other things – would you see a role for at least getting together so that we're not just learning our own regional histories but also learning the regional histories of other provinces?

MR. WHITSON: Well, yes, we have to learn about each other like we mentioned, but we should specialize a little bit more on our provinces so we know more about our province.

MS BARRETT: Thank you.

MR. CHAIRMAN: Thank you very much for giving it a lot of thought and to you and your classmates who are bilingual. Our congratulations for that achievement.

Bob, you wanted to get in?

MR. HAWKESWORTH: Maybe just a comment on how delighted I am that you came forward this morning. Of all the people who have spoken to us, your presentation in French is the first one we've heard. I'm just delighted that you put the effort you did and spoke so well this morning. I think you're a credit to your community, and I really appreciate your comments this morning, all four of you.

MR. CHAIRMAN: Thank you very much.

MRS. GAGNON: I'd like to add that it's excellent French as well.

MR. CHAIRMAN: Yes. Senator Bud Olson. Good morning, Senator. Welcome.

MR. OLSON: Good morning. Thank you. First, Mr. Chairman, I'd like to express my appreciation to you for extending an invitation to me to appear before you today with respect to some views I have respecting a new Constitution for Canada. I want to say at the outset that I am something of an unrepentant pragmatist, and by that I mean that I think we should pursue things we have some possibility of achieving, and also that I hold the highest priority of a Constitution or any of the functions and structures of government to be respect for the rights of an individual. That's fairly important in today's discussion, I think, because we're hearing more and more about someone has some special rights because of who their ancestors might have been or where they live in Canada. As far as I'm concerned, we're all equal, and we ought to set up structures of government both provincial and federal that honour that fact.

The first thing I think, Mr. Chairman, is that we should look at the political structures that have failed or have failed to live up to the requirements of changing times since 1867 when Canada's first Constitution, or the BNA Act, was struck by the Fathers of Confederation. I think one of the first things we see is the services that are expected of governments by the citizens, whatever it may be: social services, education, and all the other things that have changed very dramatically since 1867 or some 124, 125 years ago. I think this has caused or at least fostered some of the difficulties we have today, particularly with Quebec, because I think the use of the federal spending power to get involved in certain areas that were defined – and the definition was accepted as exclusively within the provincial jurisdiction – is one of the things that has caused more difficulty with Quebec over time than any other single thing. Of course, in some cases they just simply opted out. They did that partly in some of the medicare areas. They certainly did it with the Canada pension plan; they opted out completely and set up their own. I might say that perhaps it was a good thing for Quebec to do that, because they built up an enormous fund – caisse de dépôt – in Quebec from the pension collections that have come in. Where that will lead I don't know, but it looks pretty good right at the moment.

So the federal spending power: for the federal government to get involved in a lot of things that were clearly provincial jurisdiction is one of the problems. We should look at that very sincerely and honestly and try to redistribute responsibilities between the two levels of government in a realistic way to fit the 1990s and whatever part of the next century we get into, and then stick to it. I think whatever was the cause or the reason back whenever the federal government started to move into these areas – I don't claim to be an expert on that. You can read your history just as well as I can. But you know we're not finished with it yet, because to me at least day care is clearly a provincial responsibility and yet the federal government – they've backed off a little now, but this federal government and the previous federal government, both of different parties, have started to make noises like they're going to get into the business of day care across Canada. Maybe they should; maybe they shouldn't. I think there's a public demand for it, but whether one level of government or the other should be doing it is something we should work out and then provide them with the financial resources to do it.

9:50

Now, I mentioned some of Quebec's problems. It started out, I think, quite clearly with the federal government using its spending power the way I described it, but there are other provinces who have difficulty with what the status quo is now, and that is that they want some form of equality, either in addition to or other than representation by population. Being a pragmatist, I just think it will never happen in my lifetime. I don't see any indication coming out of the larger provinces, whether it's only Quebec and Ontario or British Columbia or others, who are willing to recognize that Prince Edward Island ought to have as much representation in a federal structure as, for example, Ontario or Quebec or even Alberta. You know, Alberta has about 25 times as much population, I think, as Prince Edward Island, and why, if you really believe in individuals' rights, would we accept the argument that they ought to have as much representation in some federal structure as some others? In Ontario it's worse. It's approximately 80 to 1 there, I guess. I understand the argument that representation by population does set up some distortions in the federal structure, so I can understand why we would want to try to equalize that now after we've been in the business of trying to have a country for 125 years.

You know, we could have either more provinces or less provinces. Probably we ought to have a whole lot more. Northern Ontario thinks that for them to be under the jurisdiction of southern Ontario in many respects is out of date and old fashioned, and they really don't get the kind of representation they believe they ought to have. Of course, even in Alberta we have seen fit over various times to set up special northern councils and other things to have a little more interest specifically in that area. My preference, I have to say, would be to have less provinces. Probably we should only have four instead of 10. All the Atlantic provinces could get together and have one province. Perhaps all the western provinces could get together. Then we would have four provinces that would be reasonably equal insofar as individuals are concerned. Communication and travel is not the problem it was 125 years ago, and I don't think it's very much farther from Cornwall, Ontario, to the region right up against Manitoba than it is across all the four western provinces. I think we should have a look at this.

The other thing is that I don't think we should pursue some structures that are going to give us a happy relationship in Canada because we think that we're equal and we're not overpowered by some other larger political entity. We should embark on a new concept of equality, and one of them is the size that I've just been talking about.

I think we should unhyphenate Canadians. There are French-Canadians, aboriginal-Canadians, Italian-Canadians, and all kinds of different Canadians. For my part, I believe we should just – and I'm not the first one. I remember that the Hon. John George Diefenbaker, Prime Minister of Canada, was one of the – I'm not sure that he was the original advocate of that, but he certainly was the most vociferous one that I know about taking the hyphens out of Canadians. I think that probably leads us to disbanding the department of multiculturalism. I think people should pursue their own culture in their own time and with their own money; I don't think it's something the federal government should do. We probably should respond to some of the leading Indians and disband the department of Indian affairs, spend an equal amount of money to get them up to full speed with the rest of Canadians, and stop this paternalism that's been going on there for the past 60 or a hundred years.

The other thing is that I believe we should attempt to set up reasonably equal political entities assigned a new, revised authority that they need to deal with the kinds of services Canadians expect from their governments in the '90s; give them both the authority to do the job and to collect the taxes that are necessary to support it. I believe the result of all that, Mr. Chairman, would probably be a Canada where people from one end of the country to the other would feel more satisfied that they are being treated as equals with other people in the country, no matter where they live or no matter who their ancestors were.

Thank you.

MR. CHAIRMAN: Thank you, Senator. You've had a wealth of political and public experience. I'm sure there are some questions that will have arisen.

Jack Ady.

MR. ADY: Thank you, Senator. Your comments were interesting. I have several questions, but I'll just deal with one that I have a particular interest in. I wonder if you could just enlarge a little bit on what type of government or other means might be put in place that would satisfy the aboriginal people. We hear a lot about self-government. You didn't really say that that was an alternative. Could you just give us a little bit more of what your thoughts might be on the direction that could take?

MR. OLSON: Well, what I didn't want to do was to get into trying to explain some of the concepts that have been attached to certain phrases like the one you've just used, self-government. I think there is a certain level of self-government that Indian reservations ought to have that they in fact do not enjoy today. For example, there is a distribution of money that belongs to the Indian reservations that is not completely in their hands. The other part is: I'm not sure what the provinces spend on it now, but the federal government's budget for the department of Indian affairs is about 3 and a half billion dollars. It's a lot of money, and I think a very large percentage of it is spent for administration. The Indians complain about that. You know, we've got this paternalistic attitude: somebody in the department of Indian affairs running their affairs for them. It isn't only a self-government type of thing; it's the administration of a whole lot of things including – it's improving slowly, but not rapidly enough. I think we could get far better value for both the taxpayers of Canada and for the Indians that are being served if we were to phase that department out and hand that amount of money over to the Indians, and they could use it in a better way.

MR. ADY: Thank you. I just wanted to be clear. Your answer to the regional disparity that we all have complained about, particularly in the west, is the regional concept. As I understand it, you feel that by disbanding some of the provinces and amalgamating them, we would thereby gain a larger representation as a block, and that would be your answer as opposed to the Senate reform that's been touted. That's really what you were driving at?

MR. OLSON: Well, if the four western provinces were one province, you'd have I think about 80 seats. That would be not exactly the same as Ontario – I think they have 95 at the moment – but you'd get close. I opened by saying that I'm a bit of a pragmatist, and that is that you pursue something that's possible. I just do not believe that Ontario and Quebec and perhaps some of the other larger provinces like British Columbia – maybe they are, but I'm sure that when we require consent, the approval, of two of the provinces that have two-thirds of the population and who are not going to go along with a triple E Senate, then we're kind of spinning our wheels to try and promote it. It just simply isn't going to happen.

10:00

MS BARRETT: Actually, that bridges very well into what I wanted to raise. You are not only the first Senator we're able to discuss this matter with in these hearings but probably the only Senator with whom we'll be able to talk about the Senate, so my questions relate to that as well.

I understand that during our hearings a couple of people have proposed equalizing our Parliament by moving into regions and abandoning the concept of provincial jurisdiction, which is very interesting. I would like to report to you, however, that of all the people who have raised the concept of Senate reform in any context, 99 percent have expressed not just a reflection about triple E – there's been a whole range of options put to us – but have said it's time this agency was elected. One percent has suggested that appointees be vetted by another House, in other words the Parliament, just as is done with some elements of the judiciary in the United States. So I'd like to go right to the very difficult question we are facing, I believe, as Canadians, not just Albertans, and that is: how do we justify an institution that is not elected?

MR. OLSON: Well, I don't think we should do that. It depends on what your concept of the Senate's task is. If you think the Senate is there to govern the country, it should not be appointed; it should be elected. But it's not. That's what the House of Commons' job is. The Senate is there as one of the important checks and balances in the system. I think for the most part it has acted that way. I don't think the Senate has ever tried to pretend that they are governing Canada.

MS BARRETT: Okay; let me counter. I won't engage in a long debate, because I know a lot of people want to talk about this. I can tell you what the response from ordinary Albertans will be. In the United States the Senate is there to offer its version of a check and balance to Congress, and it is elected. Now, people don't bring up the British corollary, which is not elected, but let me ask you how you answer the question: if the agency in the United States, which performs largely the same function as the Canadian Senate, stands for election, why can't the Canadian Senate?

MR. OLSON: Well, the United States Senate did not start out as an elected body; it started out as assigned or designated positions from the states. I think the states had a great deal to say in seeing who was designated. We call it appointments here, but designated is the same thing. In 1913 they decided to elect them. I know it's popular to say that the Senate should be elected. For me, quite frankly, I don't care. I'm not going to run, so I have no personal vested interest in it. But you see, there's one problem when you start to elect a body. As soon as you elect a body, then they've got to worry about being reelected, so they start to act exactly like the House of Commons or any other politicians. I don't see any useful purpose in having two bodies down there coming from essentially the same roots. Quite frankly, I think that when one political party is ahead, they'll elect both the members in the House of Commons and the members in the Senate. For example, until recently – and I don't want to talk about the last few days or anything – I think for the last decade and a half if you'd elected Senators from western Canada every one in Alberta would have been a Conservative because of the support of that political party. That's where the difficulty comes in. Quite frankly, I think I'd rather abolish the Senate than have just a duplicate of what's going on in the House of Commons.

I want to say this, too, and I don't want to make it a long-winded answer: I think one of the greatest problems with the Senate is that it is too politically partisan. You've got the government side and the opposition side. I was leader of the government there for a while. It was my job to get the government's program through. So I did; I pursued my job. But I don't think it was the right thing. I felt very uncomfortable because there were a few times when I really believed that if we were going to carry out our responsibilities as regional representatives, we should have had our foot in the door. There's lots more to say yet.

MS BARRETT: I don't think you have to apologize for long answers. There's no question that this is a complicated subject, and as I said, you're probably the only Senator who is going to be in front of us during these hearings.

MR. CHAIRMAN: Well, thank you very much, Bud, for your time. I think one of the things you mentioned that perhaps other people haven't – and it's because of your experience, I'm sure – is the concern of the utilization of federal spending power in the fields of provincial jurisdiction. That's the root of many, many problems, and yet it is not recognized to be so by the average Canadian. I think perhaps you pointing it out today was a very interesting and useful addition to our committee's hearings. Thank you very kindly.

Oh, I'm sorry. Gary.

MR. SEVERTSON: Senator, you mentioned the flaws of the present Senate appointed by the federal government, whatever party's in power. Do you think it would be better if they were appointed by the provincial government instead of elected, like you were saying, which would get away from the allegiance to the appointed person?

MR. OLSON: Yeah, I think on balance there are problems with both. I could go into them in some detail because I sat at the cabinet table in Ottawa when they really were going to this. You remember that in 1978 they came along with the House of the federation. Under that structure the provinces were going to appoint the Senate, or at least they were going to provide the list from which the Prime Minister had to take appointments. There are some problems with that.

But on balance, to keep my answer short, probably it would be better if the provinces appointed them rather than the federal government. I suppose if we're pure, though, we're supposed to be objective. That's why I suggested that we should be far less partisan than has been the image of the Senate until now.

MR. SEVERTSON: Just one quick supplementary. You said you would never think Ontario and Quebec would go along with the triple E. I think you're aware that in the last agreement at Meech Lake before it died, Ontario agreed to go down to 16 Senators and the prairie provinces up to eight each.

MR. OLSON: Well, in my view that was a very magnanimous and generous statement by the then Premier of Ontario, that he was going to give eight of his 24 to western Canada, I believe. But I have never heard Bob Rae even suggest that he would support that kind of concept. The only thing I've ever heard him comment on is to abolish the Senate. That's the NDP's position and has been all the time.

MRS. GAGNON: May I just quickly . . .

MR. CHAIRMAN: Well, we could go on at some length here. Time has expired, but one last question.

MRS. GAGNON: Thank you. The matter of collective rights versus individual rights is one of the other very, very big issues. Do you feel that the rights, for instance, of the Anglophones in Quebec to education in their language would be looked after just because there are enough individuals demanding it? I think you're suggesting: take group rights out of the Charter; don't talk about group rights there at all. What's the balance between the individual and the group?

MR. OLSON: As usual, you've found something that's a little bit different from what I was talking about. I said what I said about individual vis-à-vis group rights at the beginning because it seems to me there's a great push now for people to have some special rights. They call it distinctive rights in Quebec, distinct society. Then we have the aboriginals, because of what's happened in the past year or so, having particular rights because of their ancestry. What I really want to say is that I don't believe that is as important as respecting individual rights in the whole structure. I think people should be able to use either French or English and educate their children in one or the other. I think the attitude of the provincial government in Quebec toward English-speaking Canadians in Quebec is a little bit wrong because it sets their individual rights aside slightly for that collective. I know there are going to be difficulties there along the way, but that's why I got into it to start with, because I'm afraid that . . . I was born about 60 miles north of here 65 or 75 years ago, the same place where Crowfoot was born, and I don't think he's any better or worse than me. He didn't have any control over where he was going to be born, and neither did I. We happened to be born where our mother was when it happened, and we were equal after that.

MR. CHAIRMAN: I guess we're all in exactly that same boat. There's no doubt about that. Well, thank you very much.

John MacLaren. Good morning.

10:10

MR. MacLAREN: Good morning. I'm pleased to be able to be here today. I liked very much to hear the young people, who are going to be sitting where you people are sitting at some time down the road. I liked to hear what they had to say this morning because I really believe that when you go back 125 years in this country the obvious thing is that there has not been enough communication. If there had been more communication, we'd understand each other better, so it's a very nice thing to hear that from youth. I'd like to compliment their teachers for helping them along those lines.

But what I have to say here is that I do not believe Albertans and probably most other Canadians outside Quebec truly understand what has been happening in Quebec for decades and maybe for 100 years. I'm a westerner right to the core, but when you stop and listen to the people in Quebec that are speaking now, the message is very much that they want their own country, as we all know. Now, two nations within a nation has not worked. We all know that or we wouldn't be sitting here today. When you look at the cause of the problem, it would seem to me that the problem really was created many years ago in the settlement after the Plains of Abraham. The French people were given their own law and order, their own religion, and their own language, and I think in their own way the people in power in those days started us on the trail to the effect – when you think of cause and effect – that we're at today. So we know it hasn't worked. What are we going to do about it?

The thing is that we have to determine – and maybe Quebeckers have to let us know. It would seem they're saying to us, "What are you going to do for us now?" We sit out here, and I honestly don't believe most Albertans understand what René Lévesque was saying and maybe what Bourassa has been saying and what these commissions are coming out with. It's very startling what we hear coming from them down there, but maybe it's been there for a long time, and we've seen it but haven't really listened. I think, again, maybe youth understand because they're not stuck in their ways and are looking at it and saying, "We have to communicate."

What we hear from Quebec we tend to hear from the political elite, from the intellectual elite, and they have a reason and a cause for what they're doing. But again, what do the people of Quebec want? It's almost like: what comes first, the chicken or the egg? They're saying to us, "What are you going to do for us?" and a lot of Albertans and westerners and maybe all other Canadians are still saying, and we've been saying for years, "Really, what do you what?" I think that has to be determined before we can go anywhere. So I'd like to tell you that I think what the politicians in Quebec are trying to do right now is almost like the old story: you know, they're trying to hit us between the eyes with a two-by-four to get our attention because they can't possibly be thinking we can give them what they're telling us they want, what the politicians are telling us.

Now, I'd like to tell you a story. I worked for an international company in Medicine Hat here many years ago in the early '60s, and that international company decided to build a large plant in Quebec. They decided that because of the way this plant was run in Medicine Hat, they would not bring in their top-level management people or their upper level or whatever; they would bring in people that were supervisors on the floor of a factory. They brought them to Medicine Hat for training because we were doing a good job out here in our factory. Now, there came a time on a Saturday afternoon when we all got together for a few bubblies in a local watering hole, and it was very interesting what developed. I'm talking about 1962-63, a long time ago. What developed was that we were all sitting around chatting, and a real discussion started between a few of the people from Quebec. It developed into such a heated discussion that I asked one of them sitting there that I was talking to what they were talking about, because I didn't understand it; I don't speak French. Now, the fellow said, "Well, this guy over here is a separatist." I really don't think I had ever heard that word prior to that, not the way I heard the connotation that day. Of course, I said, "What are you talking about?" I mean, it didn't even sink in. He said: "Well, he's a separatist. He wants Quebec to leave Canada." I said, "I can't understand this." But really, this gentleman told me that of the 12 people that came out here from Quebec, from a kind of small town in Quebec, four of those were separatists. It was really quite a surprise to me because I didn't realize that.

So I have to say again, what do the people of Quebec really want? We have be very sure about that before we start striking off in all directions again, trying to keep everybody happy in this country. So it was very interesting to me, but I do not believe that . . . We've tried this other way all these years. What can we give you? What can we do? It hasn't worked. Obviously, it hasn't worked, and I don't think you can buy your friends. I mean, if anybody has proved it, I think Albertans have. We've contributed a tremendous amount to the federal coffers, and a lot of that money has been directed in those avenues to try to keep peace in the family, as it were. Again, it hasn't worked or we wouldn't be here.

Now, there is no way you can have hyphenated Canadians. I think we've proved that; there are no two ways about it. I think also, as Senator Olson stated, everyone is equal. I'm sure you're going to hear that time and time again at these committee meetings. There can be no sovereignty association if this is what they're talking about. If they stay, they have to pay their own share. Maybe that's part of the problem. I don't know how they could feel they're part of the country. In a way they haven't really kicked in, put their shoulders to the harness in that sense, because I believe the political elite have been doing a pretty good job for Quebeckers.

We have to come back again to: if Quebeckers truly want their own country, truly want their own nation, then I don't think we can put obstacles in their way. Like, when Jacques Parizeau comes out to western Canada, we're talking about communicating. We may not like his message, but I think we have to listen to him the same as when René Lévesque came out here. If we don't, I don't think we can sweep it under the rug anymore. You know, who do they speak for? Themselves or the people of Quebec? When they have had meetings like you're having here, the figures we get are that it's a very, very high percentage of people wanting to have their own nation. If those numbers are accurate, if that is the case, what we have to do is not put obstacles in their way. We have to try to get down that road. If they're serious about separating, then we have to not put obstacles in their way. We don't have to pay their way, because there will be some very, very hard bargaining to follow if that is the case. But I think we have to be realistic, we have to look at these things, and we have to get our heads out of the sand. This is an ongoing problem. It's been going and going, and I think we have to stop and really take a hard look at it.

If we have that attitude, I think it will pay dividends later for all parts of the country, not only Quebec but all other areas. We can still be their friend even if they're not part of the country. We can be helpful. When you take the political discussion to the nth degree, you end up like the Basques in Spain, like the Irish in Great Britain. That is not the Canadian way. We don't want that way for sure; nobody does. So what I'm saying is that we have to have more communication and dialogue if we still have the time. The native issues: I think that it's the same thing as Senator Olson said. It hasn't worked. We have to try to get beyond it and let these people carry on their own way.

10:20

One other thing: I think that when you look at the money that Alberta has tried – like, as strong Canadians, there's no two ways about it; we have been. There is a Professor Mansell from the University of Calgary that has come with a number from 1961 to 1988 that Albertans have contributed, something like $143.5 billion net contribution to the federal government. Now, we've done our share. I'll tell you what: I think that what we should all be given as Albertans is an Order of Canada badge each or something to be recognized for what we've tried to do to help this country stay together. I'm not preaching that we should fall apart, but I think we have to be very serious.

If nothing else, there's one thing I'm very happy for, and that is that as Albertans we're being forced – and the Quebeckers are forcing us – to take a hard look at the issues, to become more political. We all have to do that. The man on the street and the lady on the street and the children like we saw today have to think a little more politically. We have to do that, because we can't leave it up to Bob or Jim or somebody else to do it. We have to know when we vote what we're voting for, because that is the democratic way, and we've gotten away from that. The youth don't even bother going to the polling station, I don't believe, to a big extent anymore. They say, "Why bother?" That's very bad. So I'm glad to see the youth here today.

Anyway, I think that the political process here in Canada is going to be much stronger because of what is happening, regardless of the outcome.

MR. CHAIRMAN: John, there are some questions, I'm sure. Pam Barrett.

MS BARRETT: Yes. I received a phone call at home a few weeks ago from the gentleman sitting across the way. We had never spoken before or met before. I'd like to ask you, John, now, to tell the story that you told me; it would only take a minute. I think it made your case about communications, about the management going into Quebec. It was you who phoned me, wasn't it?

MR. MacLAREN: No.

MS BARRETT: It wasn't you?

MR. MacLAREN: No, it wasn't, Pam.

MS BARRETT: Oh. When you told about the Quebec people coming here to Medicine Hat, I remembered getting a call from somebody who told me a story that was very similar in reverse, whereby the English people who were brought into Quebec to construct a plant were perceived by the Quebecois as being sort of, "Oh, yeah, the old colonial masters coming to teach us what we already know," sort of thing. I thought it was you who phoned.

MR. MacLAREN: No, it wasn't, Pam.

MS BARRETT: I'm so sorry.

MR. MacLAREN: That's all right; that's quite all right. There are probably many stories that are very similar that we may not all be aware of. I truly don't believe that the French people have any hatred for the rest of us, and I don't think we've got any hatred for the French people, but there's sure a lack of communication. There's no two ways about that.

MS BARRETT: That was the case the guy made too. Small world.

MR. CHAIRMAN: Well, there's another case of lack of communication.

MS BARRETT: No. Failure of memory.

MR. CHAIRMAN: Failure of communication, yes. Okay. Yolande Gagnon.

MRS. GAGNON: Thank you very much for those comments about communication and dialogue. I'm quite convinced that there are two myths abroad. One is that Quebec wants to leave, and the other is that Canada wants them to leave. I don't think that's the case at all. Quebec is not monolithic any more than we are; they're not a homogeneous people. So how would you suggest we improve this communication? What mechanisms should we put into place? More exchange trips, as the students suggested? What is the answer to this lack of knowledge about each other?

MR. MacLAREN: Well, I really don't have that answer; I honestly don't. I think that the powers that be – and there's a lot of good gray matter, a lot of good heads that probably can organize that. Communication is talking, and that's what it really amounts to. I don't think we've got to spend piles of money, because we proved that isn't the answer. I think it's a matter of understanding, and maybe in our education systems we have to be a little more intent on our social studies programs, as the youth said, to make sure that people understand each other within the country.

MRS. GAGNON: Thank you.

MR. CHAIRMAN: Thanks, John. Well, I think we've heard every place we've gone and from almost everyone comments that we have not learned our history very well in this country, and I think that's a fact that we'll certainly keep in mind.

You mentioned one thing, that we have been asking, "What can we give you?" to Quebec. One of the programs that I think was tried, has been tried, is still in place, is the official bilingualism policy, the Official Languages Act and so on. Do you believe that that has been a positive or a negative factor in terms of the relationships?

MR. MacLAREN: I don't think the multiculturalism programs have served the purpose. I don't think that the language has had any benefit. Obviously it hasn't, Mr. Horsman, or we wouldn't have all the problems. I think that they have to look beyond that. I am not convinced that by spending gobs of money on everybody trying to become bilingual – I really believe that in Quebec, if they wish to have French, I have no problem with that; that's quite all right. I believe that in the rest of Canada we should speak whatever language we wish. I think a second language may be in some areas Cree; it might be Japanese; it might be Spanish. I think to learn extra languages is fantastic. My heritage happens to be British, so I didn't have the benefit as some of the people I knew that learned a second language at home. I think that's great, but I think that when you start making things mandatory and legislating – you know, we've been making laws in this country for 125 years and we just keep finding more to make, and it seems to me we need a little less government. I think the people are okay, but I'm not sure about the political process.

MR. CHAIRMAN: Well, thank you very much for your comments. We're running just slightly behind time, but I still think it's time for a coffee/stretch break for all of us. I think we could use it.

[The committee adjourned from 10:26 a.m. to 10:39 a.m]

MR. CHAIRMAN: Ladies and gentlemen, if I could get your attention, I'd like to recommence the discussions, and I'll call Cathy Smith forward, please.

MRS. SMITH: Good morning.

MR. CHAIRMAN: Good morning.

MRS. SMITH: I'm going to read mine. I think everyone has a copy, though.

Saying things like, "Let the Frogs go," is not a constructive solution to the constitutional crisis. I might also add that my mother is one of those Frogs.

First, let us look at levels of government. There is a proposal to have a third level of government collecting taxes, namely municipalities. This is an absolutely ludicrous proposal. Canadians believe the present system of two levels is unresponsive and hard to figure out. Municipalities are currently established through the Municipal Government Act, and that's the way it should remain. I feel that municipalities spend far too much money on labour to buy votes and build empires and then whine about having to cut programs when the province tries to be responsible with taxpayers' money. When these same municipalities run deficits, they run to the provincial government to bail them out.

The question of Quebec's role in the Constitution, while not foremost in all minds, certainly is on mine. I was an Anglophone Quebecker for 24 years before moving to Alberta. I was a maudit anglais, but that did not deter my parents nor my five brothers and two sisters from becoming responsible citizens of Quebec. I have a great deal of sympathy for Quebeckers. That is not to say that I agree with bleeding hearts who lump that in with bilingualism, French immersion, et cetera, because that has nothing to do with it.

Throughout its history Quebec has been constrained first by religious leaders who ran their lives, even to telling them how to vote. Then when they were excluded from the repatriation of the Constitution, their alienation became more pronounced. Meech Lake could have brought them into partnership with the rest of us, but some of the same people who shut them out in 1982 succeeded in slamming them once again on June 23, 1990.

Now the proposal of the Allaire report shocks Canadians. I personally do not find it astounding. I would hope that Alberta would ask for the same. Quebec should not have special privileges. However, after saying that, I must add that Quebec already has control of immigration, control of language, and civil law, unlike the common law by which the rest of Canada is ruled.

The whole area of responsibilities of the provincial and federal governments must be changed, and this leads to my next topic. Provincial responsibilities have to be drastically altered. I liken Quebec to a dysfunctional family. We have nurtured an unproductive family whose members need a tough love approach: "Be responsible for your future because there are no more free rides." The constant bailout of Canada's children has produced an abhorrent debt and no growth in the family but a lot of resentment on behalf of the responsible members, not unlike the prodigal son's brother.

I believe that language, culture, education, health care, immigration, manpower, and social programs should be provincial responsibilities, with defence, external affairs, and monetary policy looked after by a central authority. With the implementation of more responsibilities and more autonomy we would have much stronger, productive provinces and a strong central authority as a result.

One example of how provincial responsibility would be more efficient would be in the area of language. Bilingualism is admirable, but the policy of official bilingualism is one of the best examples of how political imbalance in our existing system of government has attempted to legislate a factual impossibility. This is not a functionally bilingual country, and it will not become one.

I personally knew civil servants in Ottawa who went on French course for two years on full salary, because their jobs were designated bilingual, and came back never to speak French again. However, if they passed the French exam, they were given the bilingual bonus. We wonder why our country is in debt and imagine such waste of manpower, time, and money. No; language should become a provincial responsibility. Minorities are protected under the Charter of Rights, so the most efficient and effective way to deal with language is at a provincial level.

Also under provincial responsibilities I see the collection of taxes. If we are to take on these tasks, we must have the funding. I see this happening much the same as national charities work. Each province's foundation raises its funds and a certain fee is paid nationally for programs of a national nature. This would mean we would pay a tax to the central authority for national interests such as external affairs and national defence. How the federal system would work is supposedly being looked at by the experts.

I hope the experts come up with something better than the ludicrous suggestion of Willard Estey and Peter Nicholson that a constituent assembly be approved to recommend constitutional reform. Their proposal would have 250 to 300 unelected people deciding on changes to the Constitution. We couldn't get 10 Premiers to agree, but we are going to get 250 people to reach consensus? The only answer is to have autonomous provinces with elected representatives from each province to the central authority and abolish the Senate as we know it. While I support the concept of the triple E – I've been a member of triple E for five years, and I have my pin on today – it does not go far enough. The idea of referenda every time we breathe is also mind-boggling.

The last area I would like to speak about is the character of a Canadian. One thing I find in common between Quebec and Alberta is our love of life – our joie de vivre. A lot of Canadians take themselves too seriously. We can't joke about anything anymore. Canadians have become so soft. We want everything handed to us including the care and nurturing of our families – that is, cradle to grave – while we complain about rising taxes. How many people stand up and sing the national anthem when opportunity arises? We laugh at our flag, show disrespect to our national anthem, and then we wonder why there is no wealth of goodwill among Canadians when we need it most.

Alberta is a wonderful province and is a leader in many areas, but we must be armed with a made-in-Alberta position when talks begin on the future of Canada.

Thank you.

MR. CHAIRMAN: Thank you, Cathy.
Bob Hawkesworth.

MR. HAWKESWORTH: Thank you, Mr. Chairman. Yes, I agree with you. We don't laugh enough. This business seems to be pretty serious business. Maybe if we had a little more levity, we might make more progress.

I was just interested in your thoughts about the division of powers between the provinces and the federal government. You basically outlined the three of defence, external affairs, and monetary policy remaining with the central government. My first question would be: do you see some other areas for the federal government to be involved in in addition to those, or is that basically your list? If so, do you feel the same need for a triple E Senate? If the powers of the federal government are basically limited to a small number of these key areas, do you see the same need for a triple E Senate as under the existing arrangement?

MRS. SMITH: Well, that's why I say that I believe in the concept of the triple E. If we get nothing else, then I would say the triple E is the way to go. If we do get more of these responsibilities, then I see a whole different structure. I don't know what that would be. But then what would be the need for it? It would be some other form, I suppose.

MR. HAWKESWORTH: Would you see some other areas besides the three you identified for the federal government? I suppose post office and so on, a few others.

10:49

MRS. SMITH: That would basically cover it. I haven't covered all of them; I know that.

MR. HAWKESWORTH: So you see quite a dramatic, significant shift in responsibilities much along the lines of the Allaire report in Quebec.

MRS. SMITH: Yes.

MR. CHAIRMAN: All right.
Fred Bradley, Jack Ady, Gary.

MR. BRADLEY: Well, Bob asked one of my questions. I wanted to explore this question of the Senate. You suggest something beyond what a triple E would be, and you are suggesting provincial elected representatives go to the central authority, are you?

MRS. SMITH: A central authority, yeah, and then maybe that would be the elimination of the Senate.

MR. BRADLEY: You'd still have a House of Commons?

MRS. SMITH: Yes.

MR. BRADLEY: You'd have a second House.

MRS. SMITH: Well, I guess, yeah. I don't know. You know, this is just a proposal based on sort of a confederal idea.

MR. BRADLEY: In this new notion you have, do you recognize the equality of provinces, that each province would have equal representation in such a body?

MRS. SMITH: I haven't thought enough about it to say, you know, how many people we'd have from each province or anything like that.

MR. BRADLEY: Okay. One other question I wanted to ask. You mentioned the national anthem as being important, I think in terms of one of the symbols of the country, and we don't respect it. One of the concerns I've had about the national anthem is that the English words and the French words mean different things. Should we be looking, in terms of our national symbols, such that our national anthem translates and means the same thing in both languages?

MRS. SMITH: Well, Roger Doucette used to sing a completely different one, too, at the hockey games in Montreal. So I guess that would be an area to look at, yes, although you can't always translate directly from French to English.

MR. BRADLEY: I realize that, but actually the words in English and French – they're entirely different versions. They don't even talk about the same things or concepts.

MRS. SMITH: Yeah, they do. Yes.

MR. CHAIRMAN: Gary, then Jack.

MR. SEVERTSON: Yes. You mentioned that the responsibilities have gradually altered and mentioned that Canada's like a dysfunctional family. Do you mean you're advocating that transfer payments be changed somewhat?

MRS. SMITH: Right.

MR. SEVERTSON: It's interesting. We heard a fellow in the round table discussion who was mentioning that in that same vein, but he was using the maritimes. We always hear about all the money Quebec gets, but in actual fact, I think if you go on a per capita basis, the maritimes receive more money. That was the suggestion one of the professors was saying, that maybe that stops them from thinking of . . .

MRS. SMITH: Well, that's what I'm saying. You know, with more responsibility of the provinces, if they are collecting their own taxes, then they would automatically, I would hope, be more responsible with the spending and with the selection of programs that they are offering to the people in their province. I know that the Atlantic provinces unfortunately do not have the same wealth of resources that Alberta has, but our resources are depleting and we have managed to diversify and still send all our tax money to Ottawa.

MR. SEVERTSON: How do you see something like manpower with unemployment insurance?

MRS. SMITH: I would like to see manpower and unemployment dealt with by the provinces.

MR. SEVERTSON: How about the transferability of it from province to province?

MRS. SMITH: Well, yeah, that would all have to be looked at. I don't imagine it would be all that difficult. When I lived in Quebec, I didn't have a problem getting served in the hospitals in Ontario.

MR. CHAIRMAN: Jack Ady.

MR. ADY: Thank you. Just an observation on your presentation. You indicated that bilingualism should not be tagged to Quebec, and I have to agree with you. I have always felt that Quebec was blamed for something they really didn't initiate. It was initiated by the federal government of the day, and it was enacted.

The other thing that I wanted to just get some clarification on. When you talk about taxation at another level, primarily the municipal level, you're talking about perhaps some of the initiative that is out there for municipalities to be entrenched in the Constitution to allow them to come in with a level of income tax. That's what you're talking about?

MRS. SMITH: I am against that, yes.

MR. ADY: Okay. Thank you.

MR. CHAIRMAN: Well, thank you very much. There was one point I just wanted to touch on. You are strongly opposed to the concept of a constituent assembly. You mention one specific proposal which would have 250 to 300 unelected people. Is it the unelected aspect of constituent assemblies that offends you?

MRS. SMITH: That's part of it. The other part is that I certainly would not want someone speaking for me who had not been elected. If you're going to go and grab a couple of people off the street, I would suggest that a lot of them don't know what's going on. So I certainly do not want anyone who isn't even elected to be speaking on constitutional issues, deciding them.

MR. CHAIRMAN: Thank you very much. Well, you obviously want Quebec to stay in Canada.

MRS. SMITH: Yes, I do.

MR. CHAIRMAN: And you think in order to achieve that, it's more likely to result from a decentralized confederation.

MRS. SMITH: That's the only way. We've tried everything else, and everyone keeps ignoring Quebec, and this is the only way to go now.

MR. CHAIRMAN: Thank you very much for your thoughtful presentation.

Grant Pisko, Monarch broadcasting, and Dr. Ken Sauer is joining Grant as well.

DR. SAUER: Thank you, Mr. Chairman. I'm going to make some preliminary points, and then Grant will deal with the report that we sent in to you.

First of all, we applaud and compliment you and the task force and the government of Alberta for taking the opportunity to go out to the province and hear what people think. I think the fact of the Allaire report and some of the other actions in the province of Quebec have given us a window of opportunity to come up with some of the things that we think Albertans should have in their province vis-à-vis the demands of the list of requests that you have from the province of Quebec.

We have done something very different here, Mr. Chairman, and that is that Monarch Communications, in the communications and information business, decided . . . When you forwarded the brochure Alberta in a New Canada, we ordered about 60 sets and then asked for volunteers in our company to come together to sit down with us to identify some of the issues that we as a communications company thought might be of interest to pass on to you. We had 20 people volunteer. All we needed was about 16, we thought, to make it worth while, but we had 20 people volunteer, and we sat down and talked about the various issues. Although we had about 20 or 24 issues, we're going to focus today on just four or five of those.

What we found out, for example, are some of the things you probably have heard, that bilingualism was an enforced type of federal program and should not be blamed upon the province of Quebec. People take it for granted that that's the way it came about. We have issues, for example, about the Constitution being written 125 years ago by what we thought at that particular time were very articulate and informed people.

We think the Constitution as it stands by and large is not that bad. What we need to do, though, is fine-tune sections 91 to 95. We feel there that the order of the day – don't forget, it started out as an Upper and Lower Canada discussion, and they finally dragged New Brunswick and Nova Scotia in to make it look more like a general representation for a Constitution. At that particular time they wrote some of those clauses in what I call very ambiguous language, and it's caused a lot of problems over the years. So it would seem to me that if someone could just take sections 91 to 95 and identify those programs and/or those departments that should be under provincial jurisdiction and those which should be federal, and then of course identify other issues that could be shared at some time or another in the future . . . It seems to me and to us as we talked about these things that there is a rule or a principle, which Grant will elaborate on, and that is that services and funding should be as close to the people being served as possible. So when you have funding and/or federal involvement in programs, they're so far away from the source that it misses some of the importance or the impact that it might have.

We did talk about the constituent assembly, by the way. Notwithstanding Cathy Smith's point, we talked about an elected constituent assembly of about 10 people from each province, whereby people like the Peter Lougheeds and the Ernest Mannings and the Helen Hunleys, who are informed people by the way, would represent, say, a constituency in this province, and where you would have at least one or two women on it, because they do come from a different point of view, and at least one aboriginal. So each province would have 10 people, and they would then meet in constituent assemblies once every two years. They would discuss current issues, identify a consensus in a plenary session, and then have these principles ratified by the Legislatures in the provinces and at the federal government level, thereby each two years dealing with the current issues rather than having just the first ministers' or whatever meetings are held.

10:59

We talked, too, about aboriginal rights at our meeting, and we found there that the Proclamation of 1763, by King George III by the way, gave the natives a lot of leeway in terms of what they could do and couldn't do. Much to our and everyone else's surprise, neither the federal nor provincial Legislatures have changed anything from that proclamation, so they do have a lot of rights enshrined from King George III. You may not have respected him for some of the things he did or some of the things they said about him, but the fact is that the Proclamation of 1763 is there. Some of the actions in the United States, for example, in the 1860s or 1850s indicate that aboriginals were handed a different type of self-government, and I think that's a model that could be used.

Well, what we did, then, was we talked about these issues. We then asked a subcommittee to put a brief together for this committee here, and then another subcommittee, Mr. Chairman, actually went out and prepared a live television program, which was shown last night from 7 to 8. In that program we identified four issues, with people from our staff making general comments, and then had people phone in and comment on that. So what we're going to do today is give you the script for that and also a videotape of a preliminary to this program last night. Actually, there's a little plug in there for your task force, indicating that you're going to be here on Friday and that people should come out, because we think there's a lot of apathy generally across Canada. You have a very formidable job, by the way, because after screening through all of what you hear today and across the province of Alberta, you're going to have to come up with some recommendations that will have an impact upon those young people and everybody else across this province for many years to come. We don't envy your task. So that is our last night's project there, Mr. Chairman.

Today we want to talk about five different issues: national debt and taxation; representative government, which is going away from partisanship and talking about a triple E; we want to talk about services provided by the government; multiculturalism; and then the uniqueness of provinces and regions. We say that although Quebec thinks they're unique, other provinces too, by the way, are unique in their economic resources, natural resources, the types of government they have, the relationships they have. Grant will now hit those with more detail.

Thank you.

MR. PISKO: Thanks, Ken. Mr. Chairman and ladies and gentlemen, before I start, I want to make it clear that the written presentation we sent to you on behalf of the employees of Monarch Communications and, in particular, two divisions here in Medicine Hat, broadcasting and cable – that the cross section of these employees were all volunteers. They represented both men and women. They were from management, secretarial staff, technical people, so they truly represented all walks of life.

I want to start by also indicating that what's been a surprise to all of us once we started this process was how common, really, were all the concerns that have been brought forward across the country, both with the Spicer commission and now with the report of the Alberta task force. We find that a lot of the issues that were discussed can refer to – at least two dozen issues that we started to discuss or that people brought forward as their concerns are really very, very common across the country. So what we did was to water these down, if you will, or consolidate them into at least five viewpoints or five overviews that we thought were most common and representative of those people's concerns. I'll start by providing you with a bit of an overview of what we think the consensus of that particular committee of our staff was.

We believe the aspirations of Albertans and Canadians to be simple and very straightforward, yet the rules required to achieve these aspirations will need to be changed, and the task is going to be huge. In short, we submit that we want fairness, prosperity, efficiency in government, a competitive nation, practical commonsense answers, the rights of all Canadians safeguarded, and national standards to be maintained where possible, while moving decision-making closer to the people.

This country requires leaders with vision to do the right things and managers to do them right. Common sense today seems to be at an all-time low because of a lack of clear objectives and goals. Management of the country has succumbed to dealing with critical issues, crisis issues, and ultimately crisis management.

One of the main issues that we talked about and we submitted to you is the national debt and taxation issue. I think this is probably the number one issue that came out from our staff. National opinion polls and recent public comment show Canadians everywhere are deeply concerned about public debt and the level of taxation that's required to support the ineffective social-democratic forms of government institutions and programs. Virtually every level of Canadian government today is scrambling to maintain existing programs without piling up more debt. The time for lip service in regards to debt reduction and related tax increases has got to stop. We've got to mean collectively that we're serious about debt reduction. As a public, the taxpayer is sick and tired of an excessive tax burden with a plethora of income taxes at the federal and provincial levels – hidden taxes, surtaxes, now the GST – and the ongoing increases that go on each year in every category. We recommend, therefore, that consideration must be given to setting spending limits, including government borrowing, by law. All levels of government must be made to operate on a balanced budget, with financial restraints imposed.

With regard to the second issue, representative government, while the provinces already have a measure of control over their own provincial domestic affairs, it's at the national level in Ottawa where we feel the western provinces in particular have no muscle at all. The historical complaints of the Canadian west are exacerbated by the fact that Canada's Senate is an appointed, powerless chamber; thus, the western provinces don't even have minimal guarantees currently that could possibly be provided by an elected Senate. The existing structure, for example, leaves the door wide open for a repeat of the 1980 Liberal election whereby the Liberal Party formed a government in which not one member came from west of Winnipeg, creating political impotence for the region. The matter of Senate reform should continue to be pursued by the Alberta government in the interest of all Canadians. Finally, the political party system must be reconstructed to allow more free votes by elected representatives. Constituent consensus is more important than politics.

Another issue is with regard to services by government provided as close to people as possible. The larger the federal and to a certain degree provincial governments have become, the more removed, independent, faceless, and unresponsive the bureaucracies that manage these levels of government are. The myth is that government and government employees are public servants who seek to promote the good of people. The very size and power of government itself is influenced by expensive lobbying, public relations and media efforts of public employees fueled by taxpayer dollars. In many cases taxpayer dollars are used against broad citizen consensus and the taxpayer as a whole in an attempt to fund the political goals of a determined small group of the public. Power politics fueled by tax dollars and nurtured by welfare-state ideologies must become a thing of the past. It's interesting to note that Senator Olson alluded to this very, very point. He admitted that's the process. We all know that works. It's no longer appropriate. Our recommendation, therefore, is that the goal must be to maximize the cost/benefit of programs to the taxpayer through more effective and efficient use of public money.

With regard to multiculturalism, we made a few points here as well. It's becoming apparent that the economic reality of the future will drive immigration policy instead of social policy. For example, in a StatsCan report in 1989 it was stated that without immigration, continuation of Canada's below-replacement fertility rate would eventually lead to Canada's disappearance. With that slippage, so would any number of Canada's programs driven and administered by taxpayer dollars also be in jeopardy. For example, we did a little homework, and we discovered that according to Decima Research, between the years 1985 and '86, 65 percent of all immigration in the country, totaling over 1 million people, entered from Africa, Asia, and Latin America. Almost 50 percent of those 1 million landed in Ontario, namely Toronto, 17 percent in Montreal, and 15 percent in Vancouver. We submit that it's already clear that immigration and the resulting multiculturalism policy currently dictated by the federal government is already a regional issue and should therefore be administered as such. So our recommendation is: at best the federal system should set the rules of tolerance in co-operation with the provinces or regions. We feel that all every immigrant is looking for who has landed in Canada in the past and in the future is a more secure life. We don't require bureaucracies with large budgets to set quotas and tell minorities that they have a rich heritage. They already know that. What minorities need is tolerance.

11:09

Finally, with regard to the uniqueness of provinces and regions, we feel we should be recognized. We referred in our presentation to a book by Joel Garreau called *The Nine Nations of North America*, where he clearly outlined the nine nations, including Canada, and they run in a north and south direction as opposed to an east and west direction. For years we feel we've already artificially manufactured or packaged Canada into convenient regions for political and marketing reasons. Now the regions are maturing, and it's time to accept the growth within the regions and accept the variance in the makeup of the regions and allow greater flexibility and freedom to allow Canada to develop within the next stage of North America.

At the time of Confederation there weren't 3,000 people in all of Alberta, and in the next decade we're going to have 3 million. As certain as this growth is based upon the provinces' resources, it's equally important that certain political mechanisms to manage Alberta and its inhabitants will have to change. So we feel that Alberta, and perhaps in conjunction with British Columbia, has its own uniqueness with regard to resources, for example, and this should be allowed to develop. Our recommendation, therefore, is that mechanisms should be put in place to allow each province or each region to grow naturally, each in its own way, with the freedom of movement, languages, culture, without the aid of any socialist style of equalization at any federal or provincial level.

Finally, I'd just like to conclude by saying that our group felt that as we move further along into a period of intense self-introspection, we must continue to re-examine where we've been as a society, what we have become, and what we want to be. We urge the Alberta government to lead this philosophical debate on the requirement for change in the interests of all Canadians. We had a few children in here this morning. Perhaps our children may be willing to pay for some things that we as adults may not, and we'll have to take their comments into consideration as well.

Thank you.

MR. CHAIRMAN: Thank you. I must say that you've done something unique as a communications company in terms of the broadcast of last evening, which I learned about today. We'll be very interested in observing what the response is, particularly in the telephone calls.

We have Yolande Gagnon.

MRS. GAGNON: Thank you. I wanted to ask you about your point on equalization payments. If we are to have any kind of country at all, would you not see that – for instance, if they've had a very, very bad year in the maritimes, numbers of people unemployed – there should be some form of equalization, at least short term, to meet needs, or would you say absolutely never?

MR. PISKO: No. Never say never. I think common sense would have to prevail. The feeling of the group of people was that consistent or constant built-in programs which allow for that type of funding on a level basis, on an ongoing basis, becomes somewhat self-destructive to the economy and the good of all Canadians everywhere. So certainly not on a never basis.

DR. SAUER: Could I just add to that too, by the way? I think it's the way it's administered. For example, unemployment insurance administered in the maritimes should be quite different than B.C. In the maritimes – the fishing industry, for example – their boats there are not of the same calibre as those in B.C. and neither is their equipment, but unemployment insurance for the fishing industry in the maritimes is exactly the same as the man who owns a $100,000 boat over in B.C. So you see what happens. You have to look at the needs and identify those. There'll have to be some adjustments based upon that but not equally administered and giving that person with a $100,000 boat the same type of unemployment insurance payment as you would, say, a person in Newfoundland with a boat that is worth maybe $7,000 and some of the equipment.

MRS. GAGNON: So you question that whole concept of universality. You don't treat everybody the same?

DR. SAUER: That is the basic part, that universality is not the best way to go.

MR. CHAIRMAN: Fred Bradley.

MR. BRADLEY: Thank you for your very enlightening presentation in terms of the process that you went about in coming to your position. You mentioned in your presentation that there should be national standards set, and then you say that decision-making should be moved to the jurisdiction closest to the people. That seems to be somewhat contradictory. Perhaps you could explain how you'd see these national standards being set and still meet this requirement: decision-making moved closer to the local level.

DR. SAUER: Let me make some initial comments, and then Grant will want to add to it, Mr. Bradley. I think if you were to look at legislation we have in place right now at the federal level, they do attempt to have standards, and then they write regulations to administer programs. For example, in the province of Alberta – I'm thinking now vis-à-vis secondary education, health – they'll pull back dollars if you have user fees and things like that. So we're suggesting that when you write legislation or put an Act into place, you have the Act that will cover the bases of the national foundation, and then when the regulations are put into place, you ask for provincial people or representatives to sit down with you and help you write those regulations so that they do reflect what we call the uniqueness of the region and/or of the province.

MR. PISKO: I might add that I'm sure most of you have seen that process work in other areas. I'm familiar with our own industry. For example, the cable television industry and the broadcasters recently established a Cable Television Standards Council, and this was designed and created exactly as Ken has described. It was designed and put together with the consensus of, of course, the cable industry, the regulator, and any number of interested groups, including the Consumers' Association. So

I think the same type of process could develop as well.

MR. CHAIRMAN: Well, thank you very much.
Oh, Pam Barrett. Sorry.

MS BARRETT: Yes. One more, a little bit complicated. You may not have discussed it, so I may be soliciting your personal opinions. We have had representation from the AUMA, from the mayor of Edmonton, and from other civic representatives indicating a desire to get real and include municipalities somehow in our constitutional framework as they now represent 80 percent of Canada's population. In your submission you suggest that services must be provided by government as close to the people as possible. I'll give you the three questions back to back to back. Does this mean municipalities, does it mean acknowledged in the Constitution, and would you then say that this also includes the ability to tax beyond the property and business tax restrictions?

DR. SAUER: I would just love that question, Mr. Chairman, but I'm not here today as an alderman. As a municipal official and as a past president of the AUMA I think it's fantastic that you would even allow us to make some comments on that. The important issue is this: when the Fathers of Confederation met in Charlottetown with the four provinces, at that particular time nobody realized that the provinces in the future would have the expertise that they have. Following that, of course, they said that municipalities were the children of the province, and I think that particular concept or notion must go. It seems to me that there is a role for the three levels of government and that there should be an opportunity to allow the municipalities to have an equal share in some of the things that are happening. I completely think, as we talked in our session, not from my point as an alderman but as the vice-president of corporate affairs for Monarch Communications, that services should be. In the olden days – and I use that very respectfully – in the '30s I understand that welfare, for example, was administered by the local municipality because they knew the needs.

MS BARRETT: If it was available.

DR. SAUER: If it was available. I think the whole thing that Grant made in the presentation here: the delivery of services should be as close to the people as possible. That's why I think when the other presenters today – and I'm sure you heard the same thing. If you're going to talk about health, health should be provincial because that's where it's best handled. It seems to me that having someone far away, a faceless bureaucrat trying to tell us what kind of hospital services we should have in Alberta is quite farfetched. I think there is the opportunity, and I do believe sincerely that municipalities need to be involved as a level of government. I wouldn't give them any other taxing power than they have now, because I think the property tax is there, but it's a regressive one. They should have some share, what I might call revenue sharing, if I can say it that way, of the income tax credits. There should be some way that there should be an opportunity for them to have moneys available through consultation with the provinces to provide services more efficiently and effectively at the local level.

11:19

MR. CHAIRMAN: Thank you very much, both of you, for some very thoughtful comments and for the very thoughtful way you arrived at your presentation. I wish more people would do that with their business and neighbour associates as they discuss the future of this country. Thank you very much. And thank you for the videotape. We will find that interesting, I'm sure.

DR. SAUER: We had hoped, by the way, to get more people off their chairs and out here. I hope that in some way or other they'll either write to you or do something.

MR. CHAIRMAN: Good. We're open to hearing more as we move along.

I'd like to acknowledge a new arrival in the audience as well, our colleague Al Hyland, the member of the Legislature for Cypress-Redcliff. Welcome, Al. We're glad to have you join us to listen in. One of your constituents is next: Barney Gogolinski.

MR. GOGOLINSKI: Thank you, Mr. Chairman and members of the task force. I have no formal brief made up. I just came here this morning. I had a few thoughts that I had written down during the morning before I got here, and I would just like to mention them. As an interested citizen I've been following your task force, and I also took part in the Spicer commission when he was around, so I'm really interested in Canada and the Constitution.

Several things have been mentioned this morning by Senator Olson. I really did agree with some of his remarks. I guess maybe it's the age group that we're in. We remember just the way we've been treated. We've had a pretty good life, and we're quite satisfied with it, and I guess maybe we want to stay with the status quo. I was really interested in Senator Olson's remarks.

Really there are several concerns that I have personally, but I believe the main one is the unity of Canada. I like to refer to the provinces of Canada as a family. I think you all are family people, and you know that if you have harmony in the family, then you can go somewhere; you can be successful. But if there's not harmony in the family, then I don't think you can be very successful. This is what I think we have to work on first.

We've heard many comments of how Quebec should be treated. It isn't only Quebec. I'm also interested in our native people. I thought the native people were taken care of with Treaty 7 and all this, but the way things have developed in the last several years, I guess maybe the native people weren't. I haven't studied up on it, and I don't know, but I'm really interested. I'm just wondering if they have been treated fairly. These are two of the things that I think we should deal with: to try and get the family in harmony, the people of Canada and the native people included. Let's treat them in a fair way.

Let's start everybody on an equal basis, just as Senator Olson mentioned. We're all Canadians, and I think we should be treated equally. We all should be brought up under the same rules and laws. That's the way the family is. If you have a family member that doesn't want to obey the rules in the home, who doesn't like it, what does he do? He walks out, and possibly nine times out of 10 in a few years' time he comes home, and he obeys the laws of the family, and we have harmony again.

I don't know if this is the way. I know Mrs. Smith has mentioned that this isn't the way Quebec should be treated. From all the things I've heard this morning, nobody actually has come up with a real solution. We hear our own Premier, Premier Getty, say that we've got to keep Quebec in Canada, but he never comes up and says in what way. Do we give Canada away to them or what? What are their demands? I think we heard this morning that the rest of the people, the Anglophones know maybe how Quebec should be treated, but they won't say themselves what they want. These are some of the things that I think should be settled. We want harmony in the country. Then the economics are very serious, and a lot of people bring that up, but I think we've got to have harmony first, and then everything will fall in line. I believe we're all equal, and these are the rules that all Canadians should follow. That's what I feel should be done.

Now, there shouldn't be any special status for anybody, any ethnic group coming in, just like we had with the turban deal. It just brings on more disunity in the community. We have no doubt that it came from the Quebec issue too, the turban deal. They figured, "Well, here's an opportunity for us to get something." Then there are going to be others that want the same type of treatment. The way the Japanese issue was handled here a few years ago during the war. I don't think this actually is right, because there are going to be other people who are going to come in and feel that these people were treated this way. I feel this was a circumstance of the war. I don't think there should be any special treatment for anybody. You know, these are some of the things. But the native issue and the Quebec issue are two of my greatest concerns at the present time.

In forming the new Constitution or when we go to get at it again, there are three things. Two of them have been mentioned here this morning, one by Senator Olson, and the Monarch people have just mentioned the other one. Those are the ones I have down here: equality, fairness, and common sense. These are the three guidelines that I feel should be used when we're drawing up the Constitution. Along with that, at the end we need co-operation. That's the fourth. That pretty well summarizes the three of them. We need co-operation by everybody concerned to make these three things come into being. Among our provincial and federal leaders in Canada, as far as I'm concerned, the one person who comes closest to these guidelines, I feel, at the present time is Clyde Wells. He's the only one that I feel has come close to any of these guidelines.

As far as our economy is concerned and our deficit and all that, you know, it's all hindsight right at the present time. I think we all know, we've heard it before, that our costs are too high. I think in the late '70s and '80s times were just too good. Everybody just had too much money and the demands of the people were just too much. The government just spent money and set up different departments which maybe aren't needed at the present time. No matter what, if you get some privileges, it's sure hard to cut back on them, and this is what they do. Look at the oil companies and everybody. They just had too much money, and everybody was spoiled. Now when things tighten up, what's happening? It's hard to cut back, and it's hard for us to lower our standards. The same with our labour and wages and productivity and all that. We've priced ourselves out of a lot of business in Canada on account of, I guess, just the way we carry on, our labour costs and things like that.

11:29

Well, Mr. Chairman, I want to thank you very much for this opportunity. I could go on, but you've heard all these arguments, all these things, before. I just wanted to take part in this thing if my grandchildren say, "Where were you May 31, 1991, when we had the hearing in Medicine Hat?" Actually, I think it's a date that's going to be remembered, and I feel that I want to be part of it. That's my feeling.

For me, I served my country in the Second World War in the army, and the country has treated me very well. I just want to say in closing that I hope it carries on this way.

Thank you.

MR. CHAIRMAN: Thank you, Barney. Perhaps all of us can appreciate very much your grave concern for the future and the unity of the country. That's why we're here. Part of the process, of course, is to determine how Alberta can best sit down eventually with our other partners in Confederation, in the federal state, and with the federal government to see how to keep the country together. That's why we're here. We thank you for your thoughtful presentation.

Bob Hawkesworth has a question for you.

MR. HAWKESWORTH: Thank you, Mr. Chairman, and thank you, Mr. Gogolinski, for coming today. I think your grandchildren could be proud of you for making the effort to be here and speaking your mind.

The presentations we heard just before yours from Monarch Communications and Mrs. Smith expressed some sympathy for the idea that in order to keep the country together, we should be strengthening the provinces with various powers and, I suppose in some ways, removing the federal government's presence in some of these programs and some of these areas. Do you have some sympathy for us going in that direction as sort of the price or the way we need to respond to Quebec? Do you agree with that sort of sentiment that we should be decentralizing our powers more to the provincial level?

MR. GOGOLINSKI: Really, no. I feel we should have a strong federal government. You mentioned Quebec. As far as Quebec is concerned, I feel they have sovereignty. Personally, I feel they have sovereignty right today, because they pretty well have more control over themselves than we have. They only want more. I think they're weakening the federal government. I can't see that we'd decentralize any more than we have.

MR. CHAIRMAN: Are you generally satisfied with the division of responsibilities between the federal government and the provinces?

MR. GOGOLINSKI: In most cases, yes. I didn't give it that much thought. There may be some particular areas where the provinces could have a little more control, but generally speaking, I don't think so. I'm of the old mold. I've been treated quite well. Going from the horse and buggy days to the space age, you know, is quite a jump in a lifetime, and I've enjoyed that. I just can't see how things could be much better.

MR. CHAIRMAN: Thank you very much, Barney.

That's an appropriate note on which to conclude this morning's hearings. We're going to take a one-hour break now for lunch. We'll be resuming at 12:30. It appears we now have presentations, which will start right at 12:30 and go until 2:30. If there's anybody who is not on the list who wishes to comment at 2:30, we can accept brief presentations at that time.

We'd like to thank you all for coming and the presenters for their thoughtful participation today.

[The committee adjourned at 11:33 a.m.]

12:37 p.m. **Friday, May 31, 1991**

[Chairman: Mr. Horsman]

MR. CHAIRMAN: Ladies and gentlemen, I'd like to reconvene the meeting. Those of you who have just joined us, I will indicate the procedure. Each presenter is asked to conclude within 15 minutes. There will be a 10-minute bell which will ring and then a five-minute bell, and at that time, give or take a few additional minutes if necessary, we will wrap up the presentation by the individual.

I think most of you were here this morning, but we can quickly go around the table and introduce ourselves.

MRS. GAGNON: I'm Yolande Gagnon, MLA for Calgary-McKnight.

MR. ADY: I'm Jack Ady, MLA for Cardston.

MR. SEVERTSON: Gary Severtson, MLA for Innisfail.

MR. BRADLEY: Fred Bradley, MLA for Pincher Creek-Crowsnest.

MS BARRETT: Pam Barrett, Edmonton-Highlands.

MR. ROSTAD: Ken Rostad, Camrose.

MR. CHAIRMAN: And for those of you who don't know me, if you don't, I'm Jim Horsman, the MLA for Medicine Hat.

First of all, I'd like Dr. Don Smith to come forward and make his presentation.

DR. SMITH: Thank you very much, Mr. Horsman. I would just clarify that although I'm a member of the Medicine Hat provincial Progressive Conservative Constituency Association, this in fact is an individual brief and my personal feelings about particularly an elected Senate. But I'd like to start, and it shouldn't take too long to go through this, so again I thank you for this opportunity. I'm glad to see other individuals taking the opportunity to speak their views.

I'm a person who believes that the power of government flows from the people. I also believe that the closer the government is to the people, the better the quality of legislation will become. I also believe in the strength of this country, and I believe in the strength of the people to overcome the difficulties that we now face. But I also share with many people here today the common concerns that we have: how we as Canada are viewed by the rest of the world, our growing problems, our unrest. I'm reminded of a cartoon I saw recently of a Member of Parliament who went out to test the mood of the country and came back to the hospital beaten and badly bruised. Humorous, yes, but I think it's a point and a sign that says that people are feeling alienated from the very government that they themselves built.

I speak today also as a father trying to see the future through the eyes of my two young children, our young people, those who inherit our decisions we make this day. My sincere hope is that this Alberta initiative will bring back the vision of Canada and the spirit of the people, that same spirit that survived great odds to build this country in the first place. I'm here today despite what others may say, and those that aren't here today are making a strong statement as well. I've not lost my faith in the way this system works. One voice still counts. There is a saying: it's not seeing the light that motivates us to act; it's feeling the heat. Well, folks, I think that Canada today is feeling the heat. We have to once again trust the people we elect to represent us, and we need to look for new, dynamic ways to manage this great land.

Several observations before I briefly make some statements about Senate reform. There's nothing wrong with Alberta, I believe, leading this country into new directions. Other regions have to look beyond Alberta's apparent wealth and see Alberta as we do: a province moving away from dependency on nonrenewable resources for our economic vitality to many areas of diversification. Other provinces don't see that. Perhaps they see Alberta as just attempting to gain more power in the system. Alberta is particularly credible to lead the way for reform on the Constitution because we have felt the impact of many unfair federal initiatives such as the national energy program. It is not more power that we should seek as a province but it is a leadership in moving other provinces and the federal government toward healing the wounds of Meech Lake, working towards a Canada which includes Quebec but not a Canada with a single province holding the rest of the country at ransom.

This process, I believe, begins with a reformed Senate, a triple E Senate, and I will limit my remarks to that because there are other speakers. But I'd also like us to keep in mind as we think about these types of things that we need a leaner, more efficient House of Commons. Adding a reformed Senate to this country without addressing the problems of the House of Commons is like trying to prevent illness by the indiscriminate use of drugs. It's tragic to see talented Members of Parliament unable or unwilling to stand strongly in support of their constituencies on major issues in this country. I think we're entering a phase in our country and in the world where we have to get away from party politics and concentrate on global issues: the economy, the environment, all those types of things that far exceed some of the important issues that we think are on the table.

I used to be like a lot of Albertans. I used to think the Constitution was a smoke screen to get away from dealing with the real problems in this country. I now believe and understand fully that changes to the Constitution are central to ever addressing the problems in Canada. When the Fathers of Confederation drew up the resolutions in Quebec City in 1864, they were very careful to specify a division of powers or legislative authority between one central government and a series of regional governments called provinces. In other words, they created a federal system of government which was subsequently recognized by the passage of the British North America Act. In this Act the powers of the two levels were divided in such a way that there was a balance of power between the two levels. It was recognized then and ought to be recognized now that if the central government intervened in those powers assigned to the provinces – and those powers, as all of you know, exclusively assigned to the provinces rights in education, civil rights and civil law, hospitals and medical care, Crown lands and mineral rights associated with those lands – then the unity of federation itself was threatened.

The Senate was to protect those interests, which Sir John A. Macdonald called sectional interests. The fact that this was to be done on the basis of provincial representation was borne out by George Brown, a prominent Father of Confederation from Upper Canada, when he said: our Lower Canada friends have agreed to give us representation by population in the lower House on the express condition that they could have equality in the upper House. No other condition could have advanced us that step. In short, the Senate was to protect provincial interests, and it should be noted, too, that all of the original provinces were provided with the same legislative authority. Although there was some variance from this principle with regard to the prairie provinces, they too eventually attained the same authority.

However, we have witnessed a gradual erosion of these powers in the last 50 years and most noticeably in the last 20. The federal government has moved in on provincial legislation authority. It has done so through several means: its taxing and spending powers, its creative interpretation of the Constitution, its control through appointment of Supreme Courts of Canada in the provinces, and its power to appoint the regulatory bodies. This appropriation of provincial powers by the federal government has been matched step by step by the growth of separatism in this country.

It should also be noted that this tendency to increase centralization has brought on an increased socialization. When the central government usurped the authority over hospitals, they brought in socialized medicine. When they took over the effective control of social assistance through the Canada assistance Act, we noticed skyrocketing welfare payments. When they used their interpretation of the Constitution on international trade to effectively control resource development, we got the national energy policy and a multitude of regulations which inhibit and hinder the productive sectors of our society. Thus we need to preserve the authority of the provinces to prevent the central government from imposing unrealistic restrictions upon the provinces, especially those who have managed well. There's a trend in society which is really serious: we tend to penalize those who manage well in different areas of entrepreneurship and in the public sector.

To finalize and to talk specifically about the elected Senate. The case for a directly elected Senate is clear. I am certainly in favour of a triple E Senate, and I wanted specifically to talk about the elected portion. Not only must the Senators be accountable to the electorate, they must be part of a productive, working, functioning type of organization. Only in this way will we re-establish the efficiency and strength of the provincial governments, creating a stronger, more responsive federal government. Senate reform should not centre on the discussion of provincial powers versus federal powers. The purpose of the Senate is not to preserve the power of the province but rather to represent the regional interests of Canadians. When this is realized, it becomes clear that the protection of regional interests does not necessarily mean an increase in provincial power.

12:47

We feel that the province has a role, however, in the protection of regional interests, and it is essential that Senators be elected upon a provincial basis as to boundaries. However, the province does not need to control Senators, as the power of the provinces in provincial areas is protected by the constitutional declaration of their legislative powers. To allow the provinces to appoint Senators will defeat the very purpose of a reformed Senate; that is, to create a sense of confidence in each and every Canadian that he or she has some influence or some control over this process and some influence on the federal government and to protect his or her regional interests. Also, a provincial government selecting Senators would face a particular problem in terms of the provincial counterparts trying to get too much involved with the federal area.

Finally, I would just say a couple of brief comments, then, that we want full-time elected Senators who devote their full attention to representing our interests in federal issues. We do not want Senators who must divide their attention between federal and provincial matters. On the other hand, we want to strengthen the role of our MLAs to be involved with federal and provincial areas but not to be overburdened by federal concerns when local issues fall beside the way.

In summary, then, I support a directly elected Senate for the following reason: Senators are accountable directly to the electorate. If elected within provinces, Senators will provide for regional interests and we can best maintain the balance of power between the federal and provincial governments. We will have full-time Senators concentrating on federal issues which directly affect us.

In conclusion, I would say that it obviously is a tremendous challenge for Canada to come to grips with Ontario and Quebec and other provinces, but power changes, and any of those that were involved in shipbuilding in the east will realize that sometimes when your resources or your main industries disappear, you're still important as Canadians. You still have a voice. You still should be counted, not on the basis of what power you had or what power you will have but because you're Canadian.

I think with that I would just say that I wish you well. I hope that you're getting lots of input into this very important process, and I felt it important enough to come and speak and to at least, if anything, encourage you to be the leaders. Alberta has done it on many other issues. There's nothing wrong with doing it on this one.

Thank you.

MR. CHAIRMAN: Thank you, Don. We were joined by Bob Hawkesworth during the course of your presentation. Pam Barrett first.

MS BARRETT: Thank you. You can always tell when I want it: I pull the microphone forward. We're getting good at body language after a week on the road together.

Thanks for your presentation and for your well-wishes, by the way. We do appreciate that because we know this ain't going to be easy.

I want to talk to you a little more about the Senate. We had Senator Bud Olson in front of us this morning. I brought to him the concern that had been raised by people hither and sunder on the subject of the Senate. I said: how do you justify not being elected, and what do you want me to tell people who want elected Senators? He said I can argue for it on two bases. One, if you get elected, then you're just like any other politician; you've got to keep your eye on the electorate because you're seeking re-election. Two, if they were elected, when you elect one governing party into Ottawa – that is, a majority of seats into Parliament – chances are good that we'd be doing the same thing when it comes to Senators. Will you tell me how you respond to those comments, please?

DR. SMITH: Well, I think that the process of electing a Senator, for example, in the province of Alberta has to be a careful one. There has to be a distinct separation between the provincial government in power and that particular elected Senator. In my view, when we talk about a reformed Senate, we're not necessarily talking about a great number of Senators. There may only be perhaps even one from Alberta or 10 from Alberta: small numbers; it depends on the population distribution. But when you elect these people, there is an accountability. When you appoint people, there is less accountability, and I think perhaps it happens with the Supreme Court; perhaps it happens with things like the monetary policy. I could visualize the Senate being involved with the Bank of

Canada in terms of trying to make policy that doesn't just affect Ontario and Quebec but does in fact represent this country.

So in terms of Senator Olson, with all due respect, I guess that when we talk about a reformed Senate, we can't dismiss the good work that some Senators have done, and that's probably a big mistake. There have been some good ones. But they need the powers, and in order to have the power they need to have the confidence of the people, and the confidence of people comes from getting your mandate when you're elected. I think that's the path. The power of government coming from the people: here's your mandate; you're elected; let's see if you can be accountable and responsible.

MS BARRETT: What about his second argument, though, that he proposed: that if you end up with a Conservative majority in the House of Commons, chances are good you would end up with a Conservative majority in the Senate, and therefore your check and balance system doesn't really work.

DR. SMITH: Well, I think we're seeing in Canada an evolution in politics generally. I think we see people that are not necessarily willing to support a provincial party and the same party federally. That's not my view, but I think that's the evolution, the maturity that's happening in politics. People are starting to think and starting to reason out and say, you know, that just because there's a Conservative government or a Liberal government doesn't necessarily mean that we will have a Liberal-dominated Senate or whatever.

MS BARRETT: Just as in the States then.

DR. SMITH: Right.

MS BARRETT: Thanks.

MR. CHAIRMAN: Yes, Yolande Gagnon.

MRS. GAGNON: Thank you. I appreciated your hopefulness. You said you believe that we will find a way to stay united, that we've got the strength and the wisdom to do that. I appreciated that. I'd like to follow up a bit on Pam's question with just one other comment that Bud Olson made. He said that election would be necessary for Senators if they were supposed to govern, but since their task is not to govern, then they don't have to be elected. How would you respond to that?

DR. SMITH: Well, as I mentioned about the House of Commons, I think there has to be some discussion and some serious study as to where the powers rest with each of those bodies and what types of things a Senate would be involved with in terms of are they going to be just approving Bills or are they going to be actually developing policy and bringing in legislation. I foresee a reformed Senate that would actually be a functioning body in Canada similar to the Congress and a Senate where you have equal amounts of legislation and carrying the load. I think those priorities need to be established with those bodies, but I do not see it as just simply a clearing house for legislation. I think that it would be a mistake to reform a Senate and not give the Senators the power to make changes in Canada.

MRS. GAGNON: So wouldn't you end up, though, with two Houses of Commons then? What would the difference be? You'd have two elected groups preparing legislation and proposing legislation.

DR. SMITH: Well, it's very possible if your House of Commons, with the number of Members of Parliament that we have . . . That reflects a lot of regions in Canada. If your Senate were smaller and perhaps you had one Senator from Alberta, the types of things that the Senate may be involved with may be things more of regional interest; for example, the prairie provinces in terms of grain and agricultural products or the forestry industry. Perhaps it would be more regional type things, where the Members of Parliament would deal with the constituency issues, and I think that's an area that's been overlooked by the Members of Parliament, quite frankly.

MRS. GAGNON: Thank you.

MR. CHAIRMAN: Thank you very much. Well, Don, as you know, I've traveled across the country on behalf of the Premiers as chairman of the task force talking about Senate reform, and the most difficult E of all in my view would be the "effective" E. I think that's really what Mrs. Gagnon has touched on and what was touched on earlier. How you define that role is going to take a lot of careful consideration and thoughtful discussion as we move into that area.

Thank you very much for your presentation.

DR. SMITH: Thank you.

MR. CHAIRMAN: We had a bit of a mix-up, I guess, in terms of the next presentation, in that we booked Mrs. Glashan in and the Edmonton office booked Mr. Hunt in. In any event, Mrs. Glashan, I understand, will . . .

MRS. GLASHAN: I'll give a written submission. I'll send it.

MR. CHAIRMAN: You'll do that?

MRS. GLASHAN: Yes, I will.

MR. CHAIRMAN: Thank you very much then.
Allan Hunt.

MR. HUNT: Mr. Chairman and distinguished members of the panel, in 1867 Sir John A. Macdonald was asked whether he felt that the BNA Act would provide adequate power for the new federal government. He replied that the BNA Act and its concept of government, in his words, gave the country power over the great and important issues of Canada such as defence, fiscal power, trade and commerce. End of quote. For the future years that have elapsed since Confederation, it would appear that Sir John's comments were for the most part correct, but today things have changed. Many Canadians feel that defence and fiscal powers are not necessarily the great and important powers. They might say, for example, that immigration and health and language and adequate income are the great and important factors. So the question arises, of course, as to whether or not the same basis for the usefulness of the BNA Act exists.

12:57

Many successful nations today appear to have a strong federal government: the United States, France, Germany, and Japan. All of these nations have various degrees of diversity, and they use this diversity as a strength. In contrast, Canada's leaders appear to be moving us in the direction of fragmentation, fragmentation of our Confederation. This leadership is turning our regional diversity into a divisive factor instead of uniting us into a mosaic that is strong.

Many regional political forces appear to be playing on emotionally destructive themes of multiculturalism and bilingualism. If we can accept the fact that our founding parents established us with two distinct languages, if we can accept the fact that we are a nation of many cultures, then this acceptance may enable us to overcome the narrow and emotional and sometimes divisive influences that we are experiencing today. If we are to survive and thrive as a nation, we must continue to encourage the diverse cultures as cornerstones of our national mosaic. There are many multicultural nations that are doing very well in spite of, or because of, these diversities. I think of Belgium, with its French language, its Dutch, and its Flemish language, or Switzerland, with its Italian, French, German, and Romansh populations and languages.

The Liberal/Trudeau option for bilingualism was a blanket type of policy through which both English and French were imposed or superimposed on all of Canada. Why can't we address this national interest of bilingualism on a regional basis? Within Quebec it is fair and just that the Quebec people should have the right to have French as their dominant language. Perhaps it could be argued that they also have the right to more control over immigration and education. But this is not to say that all regions in Canada should have that same kind of control over the same issues.

The precedence of separate powers for different provinces has successfully operated in Canada since 1867, since our inception as a nation. The BNA Act, established in that year, provided British common law as the judicial system in English Canada, but it also provided the French Civil Code for Quebec. These two distinct legal systems have worked in Canada, and they have not proven to be fragmental in nature.

What seems necessary in this country is a mechanism that allows the provinces and regions the capacity to influence and administer common policies while ensuring basic national standards consistent with national goals. At a time when other already strong nations are banding together, now is not the time to undermine our national constitutional structure. In a competitive world marketplace do we really want to jeopardize the national educational goals in favour of regional educational standards devoid of national standards and goals? Quebec, for example, may want to educate its children in French, but if French-speaking children are educated to at least a minimal educational level, does it make any difference if, for example, medical research is carried on in French or English, providing lives are saved?

The Conservative government of Alberta has advocated a triple E Senate, and we've heard a bit of it today. They are to be commended for putting this option forward, but I suggest that it is only one option. Perhaps Joe Clark is right. We hope that the Alberta government and this task force would be prepared to consider all options and not settle on one exclusive option, the triple E Senate. The Alberta Conservatives say on the one hand that they want less government. On the other hand, they argue for an additional level of government that may be unnecessary.

Why do we need a Senate in the first place? We elect members to the Legislature, we elect members to the House of Commons, and both Legislatures and the Commons are reasonably effective. Would it not be better if we tried to make both of these bodies more effective, to make them work better? If we need another level of government in Ottawa, if more government is their goal, do the Alberta Conservatives feel that it is also necessary to create a Senate in Edmonton?

We believe that every effort must be made to preserve this great nation of ours. Canadians are known throughout the world as conciliators. Now is not the time to let narrow, regional differences undermine the future of this great nation. We must find ways for our people to build greater faith in their democracy. We must build our faith and their faith in the diversity of our country.

Is it possible, for example, to consider regional Houses of Commons in our country? It's well known that westerners and people in eastern Canada feel left out of the decision-making process in our country. It would only be a superficial gesture, but it might be a useful gesture if there were regional Houses, a western House of Commons in Saskatoon or, heaven forbid, even in Medicine Hat and an eastern House of Commons in St. John's, Newfoundland, for example. This would do several things. It would eliminate or lessen the drain on members that have to commute back and forth during the time the House is in session. It would also give westerners and easterners an opportunity for them and for their children to see their House of Commons in action during the time that the House was in session in that regional place.

New ideas, new ways of doing things may be necessary, but we must not allow our national strength to be jeopardized by regional power blocs with short-term political objectives.

Thank you.

MR. CHAIRMAN: Thank you very much. I just want to make a comment about the triple E Senate. In your comments you refer to it as basically the Conservative government's policy. In fact, Allan, what happened was that a select committee just like this was established in 1982. It went throughout the province, sought out the views of Albertans on Senate reform, and prepared a report, which in '85 came back to the Legislature, recommending a triple E Senate in principle. That was then submitted to the Legislature and endorsed unanimously by the then Legislature. After the '86 election, when all the parties who are at this table were represented in the Legislature, a motion from the Liberal leader of the day, Mr. Taylor, was made to reaffirm the support for that concept. Then it was unanimously passed through our Legislature.

So it remains the official policy not of the government but of the Legislature. There's quite an important distinction. Until such time as we go back to our Legislature and that resolution is changed in some way, we are therefore representing the views not just of a party but indeed of the Legislature. I think that's important to note. Perhaps some people don't understand that in terms of why we have been supporting it the way we have.

I just wanted to make that point so that you might understand a little more clearly.

Pam.

MS BARRETT: Well, until now it would not have occurred to me to say this, but on that subject, as you know, the New Democrats prefer the abolition of the Senate. So I should say that in supporting that resolution time and again – and we would do it again – it's not the only option, for example; it's not an exclusive position. I don't think you'd disagree with that, would you?

MR. CHAIRMAN: No. But our hands as a government are certainly tied by a resolution of the Assembly. Whenever it is passed, it's not as binding as a Bill or a law, but we regard it still as being a policy, subject to change. It may be that this select committee will say: "No, we don't believe that Senate reform or the triple E is still the preferred option." So it's open. But I just thought you should know that. It's not just a party motion.

MS BARRETT: It is an option that was endorsed unanimously.

MR. CHAIRMAN: Yes.

MS BARRETT: Correct.

My question to you, Mr. Hunt, was about these regional Houses of Parliament. You're not the first person to advocate this, but I just want some clarification. Are you talking about changing the concept of provinces to one of regions, so in a way you're talking about regional Legislatures, or are you talking about changing the concept of the House of Commons to regional representatives from a federal perspective?

1:07

MR. HUNT: Pam, what I am talking about, really, is a cosmetic change where the House as it stands would simply meet in the west and meet in the east for a particular time. My thought was not that the actual constitution of the members would change but simply to give people a better opportunity . . .

MS BARRETT: A roving House of Commons.

MR. HUNT: A roving House of Commons. But this was not an idea of a constitutional change.

MS BARRETT: I understand. Thanks very much.

MR. CHAIRMAN: Other questions or comments?

Yes, Bob Hawkesworth.

MR. HAWKESWORTH: Thanks, Mr. Chairman. One of the questions I've asked this morning – and you may have been here; I don't know – was the jurisdiction question about the division of powers between the federal and provincial levels of government. One of the proposals made this morning was that we should show some sympathy to the Allaire report in Quebec as a way of sort of keeping Quebec in Canada, keeping Canada together. That would contemplate a fairly dramatic exiting of the federal government from provincial spheres of influence as well as transferring powers from the federal to the provincial governments. What's your thought about that? Do you feel that's a viable option, one we should take very, very seriously or give high priority, or are you relatively satisfied with the arrangements that have been worked out over time, or would you in fact perhaps like to see us go the other direction and strengthen the hand of the federal government? What's your feeling on where we should be going at this moment in our history?

MR. HUNT: My grave concern is that Canada is within two years of splitting up. My strong urging would be that this task force, the provincial government, and the federal government do anything and everything within its power to maintain that union, I'm almost ready to say at whatever the cost. I think that we will suffer economically and socially. We will suffer in every way if we are broken up. I think that we need to sacrifice and concede and arbitrate, and if this means accepting or considering the Allaire report, then I say: let's go for it.

MR. HAWKESWORTH: Some people might say that that's separation by degrees or separation or sovereignty in everything but name only, that at some point your federal authority loses so much power that there's really no point in having the country anyway. Do you think there's a danger of that? Is there a point at which decentralization could go too far and our purpose or vision or reason for a country really wouldn't matter anymore? We're really 10 countries.

MR. HUNT: I realize that. I'm a federalist. I believe in a strong federal government, so this is almost in contradiction. But I also believe in Canada. That is why I feel that if we can negotiate and concede in some way to maintain the unity of our country, we should do so.

MR. HAWKESWORTH: So be flexible and be prepared to bend.

MR. HUNT: We're going to have to if we're to maintain the unity of our country.

MR. CHAIRMAN: A quick supplementary, Yolande Gagnon.

MRS. GAGNON: Thank you. You mentioned that our strength lies in our diversity, that we're a kaleidoscope, a mosaic, and yet further on you said that the present leadership is fragmenting us. What are the things that fragment us, if you do believe in diversity? Do you see what I'm getting at? I'm wondering if you would identify that. Obviously, you don't think it's diversity, so what is it?

MR. HUNT: Well, obviously we are a diverse country. We have people from every country in the world. We have diverse thoughts and philosophies and religious groups and nationalities. I think our leadership, and certainly the leadership of the Quebec people, is being divisive and pulling us apart. This concerns me. This is the reason for my earlier statement that I think it's so necessary to do whatever is possible to create some sort of understanding. I don't know if it is possible.

MRS. GAGNON: Your concern is with the separatist forces, wherever they may be.

MR. HUNT: The separatist forces that are in this province, too, that would say virtually the same thing as the Quebeckers. We won't put a name to them.

MRS. GAGNON: Thank you.

MR. CHAIRMAN: Thank you very much. Well, it is a challenge. We've been hearing directly from separatists, telling us that's one of the options. On the other hand, we've been going to quite the other opposite too. So finding the broad middle ground for this committee is going to be a major challenge. Thank you for your thoughts.

MR. HUNT: Thank you, Mr. Chairman.

MR. CHAIRMAN: Dr. Edwards and Bill Bauman. Thank you, gentlemen, for joining us. Bill is going to be the spokesman, Jack? Okay.

MR. BAUMAN: Chairman Jim Horsman and members of the task force, we thank you for allowing us to make this presentation. However, before we start, we wish to commend the government of Alberta and the task force members for a most thought-provoking document entitled Alberta in a New Canada. We have followed this document very closely, and as a matter of fact you'll notice in our presentation that we've referred to pages, so I will refer to the pages in that document. This is a presentation on behalf of both Dr. Edwards and myself.

Referring to pages 3 and 4, a strong central Canada will make a stronger Canada. We believe there should only be one form of law in Canada: the British common law rather than the French Civil Code and British common law, as it presently exists. This was probably the start of the rest of Canada giving in to the French of Quebec. Quebec should not have control over its immigration policy when other provinces don't have the same privilege. The federal government should be responsible for defence, immigration, currency, legal and foreign affairs, port service, monetary considerations, health, and education.

Going on to page 4, what is meant by flexibility. A province can't have it both ways. A decision has to be made whether a province should be allowed to leave Confederation or be forced to stay within Confederation by a police state or an army. If they are allowed to leave Confederation, then they should be informed of the conditions on which they separate before they consider the separation. We also think the monarchy is no longer required in Canada; the Prime Minister should be the head of state. We believe he should be allowed to serve only two terms.

Page 5, provinces shall all have the same responsibility and privileges. Quebec should be Canadian first, and then its racial, cultural, linguistic, and social concerns should be secondary. We should all be Canadians, and our various racial, cultural, and social characteristics should be second.

1:17

On page 6. We do not agree with a regional economic association as we feel there are too many responsibilities that regions could shirk, and this could soon cause a complete breakup of the association.

On to page 7. We agree with the triple E Senate, and this should remain a priority of the government of Alberta. We haven't elaborated. We like what we hear from the Hon. Jim Horsman's presentations in the past.

Page 8. The federal government parliamentary procedures should be revised so that Members of Parliament should not be forced to vote with the party if they know or feel the people they represent disagree. A vote against party policy should not be reason for bringing down a government except under special conditions such as major money matters and war. We believe in executive federalism, as the aim should be to focus problems on the attention of all Canadians. The Constitution should entrench First Ministers' Conferences. All decisions taken at conferences should not require ratification by Parliament and all provincial Legislatures. We do not see how proportional representation would work. We feel we require protection for regional interests by guaranteeing equitable treatment of Canadians. We agree there should be regional representation on the Supreme Court and various federal administrative and regulatory bodies.

Page 9. Immigration should be federal. Why should Quebec be allowed to bring in people who are not acceptable to the rest of Canada who would then have the privilege of moving freely across the country?

Conflict and competition between different levels of government is not only expensive but divisive and may not cover all requirements. Legal changes, insurance brokerages, trust companies, securities, banking, and labour laws should be federal. Taxation has to be split between both levels of government but should not be duplicated; for example, gasoline and cigarette taxation. There is often confusion regarding interprovincial differences in specifications in bidding practices regarding quality, et cetera; for example, electrical standards, road building standards, road load limits, and also highway traffic rules, and many other standards, as well as local preference from province to province. The federal government should set most standards.

Page 10. The federal government should set monetary policies. These could be discussed at ministerial conferences, but the federal government should have the power to set its own monetary policies. If the federal government has the right or power to set standards, then it should provide enough capital to support these programs and policies. Social policies should only be set by the federal government if they are affordable. The federal government should continue to fund them as long as they are in force.

Page 11. These are actually questions. Yes, if the federal government sets standards, then it should be required to fund these policies. Number two, the federal government should attach certain conditions on minimum standards to federal transfers. Number three, no standard should hamper provinces from responding to local needs and interests.

Page 12. We believe all provinces should have equal responsibilities and power. Environmental matters should be a federal responsibility. Powers delegated to a certain province by the federal government should be approved by seven out of 10 provinces representing 50 percent of the population. We do not know whether we have more rights or freedoms now that we have the Charter of Rights. The Charter of Rights appears to protect the wrongdoer rather than the victim.

Page 13. If there are deficiencies in provincial Acts affecting people, then the Charter of Rights and Freedoms should be amended to cover these deficiencies, but this is a problem for the legal profession to look at, explain, and suggest changes. We do not agree with the notwithstanding clause because it would render the Charter of Rights and Freedoms of no value. Legislative members both federal and provincial should be responsible to change laws if necessary and to act relatively fast.

Page 14. Parliament and Legislatures should have final say in making laws rather than the courts. The Charter of Rights and Freedoms, however, must be considered also.

Bilingualism is a costly and unnecessary constitutional Act. French is a declining language. English is used universally in trade, travel, and almost all communications in the world. Why should Quebec dictate that Canada be bilingual when it is economically and functionally unrealistic? The notwithstanding clause should be removed from the Charter.

Page 15. Bilingual services should be made available only when necessary. Sufficient numbers should not dictate minority language rights but should be decided by government and courts, depending on circumstances.

The aboriginal people should have the right to self-government on their land the same as municipal and county governments but living within the laws of the province and Canada. They must then also assume the responsibilities and not expect a lot of extras that other people don't receive. The Indian and Metis populations should be taken into society with chances for education and other privileges but should be expected to become responsible, independent citizens not requiring further financial supports from governments which are not given to other people.

They should not have separate representation in government. A concerted effort should be made to solve the alcohol and drug problems among the natives.

Page 16. The general amending procedure should not allow the federal government to give any province special privileges without the consent of the other provinces but also should allow the federal government to take back from provinces privileges which are not shared by other provinces.

Page 17. We agree with the amending formula in principle. A joint provincial/federal commission should review and initiate changes to the amending formula. Referendums should be used and should be final, except they should not be able to affect provincial jurisdiction. The federal government and the majority of provinces should agree on timing and wording of a referendum. Referenda should allow governments to proceed when given approval in principle.

Page 18. Constituent assemblies are not needed if politicians are allowed to represent the views of the people they represent in their ridings and not be forced to vote along party lines. As mentioned previously, governments should not be defeated by a losing vote except under special circumstances; for example, money and war.

Quebec should stay in Canada as an equal partner without any special privileges. Over the years Quebec, like a spoiled child, has been given privileges not given to its other provincial brothers and sisters. This should not have happened and should be rectified. Quebec people should not be French first and Canadian second but should be as the rest of us are: Canadian first and then racial, social, and cultural characteristics second. Any nationality or race in Canada should be able to maintain its culture and identity provided this is within the laws of Canada but also should be responsible for funding its culture and not expect financial support from the various levels of government.

The Bélanger-Campeau commission in Quebec proposed that a referendum be held in late 1992 to decide on separation. We believe a commission should be established now by the other provinces in association with the federal government to establish our terms for separation so the people in Quebec will understand how separation will affect Quebec.

We believe the following terms should be included as a minimum. One, separation should be complete, with Quebec as a separate nation. Two, there should be no sovereignty association. Three, Quebec should not use our currency, postal service, customs, immigration, armed forces, or any other Canadian federal services. Four, Quebec should trade with Canada as any other nation, on a competitive basis. Five, Quebec should buy all federal government assets in Quebec at 77 percent of market value. Six, Quebec should pay their share of the national debt on a per capita basis, roughly 23 percent of $390 billion as of March 31, 1991. Seven, Quebec citizens should be treated like citizens of any other friendly nation when entering Canada.

Bilingualism for Canada is a costly commodity. An article in the *Medicine Hat News* of April 1, '91, spells out some of the present costs. We believe a referendum should be held in Canada to establish whether or not to have bilingualism if Quebec separates.

Nine, railways through Quebec would be maintained by the owners as they are in Europe, and there would be normal customs inspections similar to the American/Canadian system. Ten, the St. Lawrence seaway, which was federally developed and controlled, would remain under Canadian ownership. Eleven, we understand that parts of Labrador and northern Quebec are held in trust by the province of Quebec. If this is the case, this land would revert to Canada. Twelve, federally owned buildings in Hull may be a concern. It may be necessary to negotiate a transfer to Canada of land and buildings or the entire city of Hull.

We'd like to close by suggesting that all levels of government support programs to instill more pride, loyalty, and respect for the maple leaf flag by making it mandatory that whenever a provincial flag is flown, the Canadian maple leaf must fly above and be of equal or larger size. This should be a federal law. We would also encourage the federal government to make it mandatory that all children learn to sing *The Maple Leaf Forever* as well as *O Canada*.

1:27

MR. CHAIRMAN: Thank you very much.
Jack Ady, and then Bob Hawkesworth.

MR. ADY: Thank you. My question goes back to pages 3 and 4 referred to in your report, where you advocate that health and education should be a responsibility of the federal government. I'd just like to draw a parallel, that we already have some circumstances in our province where the federal government has sole jurisdiction on education, that being on the Indian reservations. I just wonder if you feel that they've done an exemplary job there, to the point that we would be well off to have them administer our education system in our province.

DR. EDWARDS: Well, I think that using the Indian reservations as an example is a poor example to compare one educational system against another. I feel that the federal government, if they are going to set the standards, whether it's in health or education or anything else, should then fund the thing. That is, if they're going to be responsible for the standards, then they should be responsible for setting them. The other advantage in having the federal government set the standards and fund it is that then you wouldn't have a duplication of a hierarchy in the federal government, the provincial government, and even in the local government, because even our school boards have quite a group of people assisting them. There would have to be some, I grant you, but we do have inspectors too. But there is a duplication of educational people both in the federal and provincial governments.

MR. ADY: I could enlarge on that, but I'll just leave it by saying that we presently have a difficult time getting the federal government to maintain the level of payments that they originally had agreed to in transfer payments for those services into the provinces. I would just ask you how you would anticipate we would get them to perhaps come forward with another $1.4 billion to fund education in this province when they aren't even willing to maintain their original agreement on health and education funding for the province.

DR. EDWARDS: I think this is a part of the responsibility of provincial governments, though, to go to the federal government, and if the federal government is going to have to set the standards, then they should be responsible. If not, then the provincial governments should have to do it. But it would be better that the federal government do it for everybody across Canada, I would think, and have one standard rather than have different standards in each province.

MR. ADY: We even have them in court over it.

MR. CHAIRMAN: Okay. Bob Hawkesworth.

MR. HAWKESWORTH: Thank you, Mr. Chairman, and thank you, gentlemen, for your presentation this afternoon. One of the suggestions you've made here that I haven't heard yet from anybody else who's appeared before us that intrigues me is the idea of Alberta establishing a commission to look at maybe the future of our economic and political union, you said, in order for Quebec to understand how separation will affect Quebec. Would you agree that maybe we in Alberta don't fully appreciate what separation might mean for us in our economy? Would you feel that if such a commission were set up, one of its mandates would be to see what impact the separation of Quebec might have on the Alberta economy?

MR. BAUMAN: Oh, absolutely. I think that would be mandatory. We're not suggesting that Quebec separate. We feel very, very strongly that we should try to keep Quebec in Confederation, but what we are saying is that they should know the rules of the game. If you're going to play the game, you have to know the rules, and here are the rules from where we see it.

DR. EDWARDS: We think they should know the rules before they have the referendum. The rules should be set by the provinces, the other provinces, and the federal government so that the people of Quebec, when they vote for or against separation, know what they're voting for. We want them to stay in Canada, and I think if they know what is in store for them, they'll be much happier not to separate.

MR. CHAIRMAN: Thank you, gentlemen. This is a very comprehensive response to the paper Alberta in a New Canada. I might tell you, this is the first time anybody has come forward with the documentation of their brief put in that particular form, so thank you very much for attempting to do that.

MR. BAUMAN: We thought it was so good that we wanted to refer to the document. It is an excellent document.

MR. CHAIRMAN: Well, thank you kindly.
Thomas Pekoe.

MR. PEKOE: Good afternoon.

MR. CHAIRMAN: Would you please be sure to speak into the microphone. We need to hear you.

MR. PEKOE: Good afternoon. The history of Canada begins with two conquests: the conquest of Canada's native people and the conquest of Quebec. The conquerors, the British, then assured their continuing control of Canada by creating a country with a Constitution that was British. This Constitution did not allow for the fact that Canada might someday become Canada, a nation.

The British parliamentary system is a system of adversity by adversity and for adversity. The British parliamentary system began in 1215 with the Magna Carta, which was the lords of England wresting some powers from the king, and it continues thusly, the wresting of minor changes from the state, to the present day. The result in Britain is an entrenched class system and British bloody-mindedness.

Consider the following in how this system has failed in Canada. The native people have yet to wrest any meaningful self-government away from the state. The frustration of this failure produced Oka last summer. Quebec has never even had the minor concession of at least seeing Canada become a constitutional republic, and it's still forced to swear allegiance to the conqueror, the Queen of England, and not Canada. The result of this inflexibility may be the dissolution of this country. Canada has evolved; Canadians have evolved. The government of Canada and the provincial governments have not evolved. The British parliamentary system is a system that makes Parliament self-serving, a battleground not for progress but for party pettiness. It is a system that breeds only stagnation, cynicism, and disgust.

My first suggestion is to suspend the present Constitution. Separate it from the Charter of Rights. Retain the Charter of Rights and Freedoms. Remove from the Charter of Rights and Freedoms the opting-out clause. Include in the Charter of Rights and Freedoms second-generation rights, such as the right to health and dental care, the right to education, a livable national wage level, a clean and healthy environment, a safe workplace, et cetera.

1:37

Immediately begin to study and present to the Canadian people other countries' constitutions. Then and only then begin to rewrite the Constitution. A set but flexible time limit is necessary for this. But what this committee and all other committees are doing at the present time is asking Canadians a question that they, Canadians, are not prepared to answer. Canadians know what is wrong with their governments, but they do not know what to do to correct this. This is best exemplified by the suggestion of a constituent assembly. This would simply add another body of government. It would be elected by the same flawed electoral system.

The same is true of the proposed triple E Senate, the elected, equal, and effective Senate. No one has pointed out that if the Senate is elected on the same basis that the House of Commons is elected, it will be just like the House of Commons is today: far from equal, far from effective, and in point of fact, a house of dissension. Most Canadians would agree on one point: the most effective governments in Canada have been minority governments. The parliamentary majority is, in effect, a dictatorship.

To correct this, I suggest that both the Commons and the Senate be elected by proportional representation. Why proportional representation? Proportional representation guarantees one person, one vote. It forces politicians to seek advice and consent in governing. Look at Germany. Konrad Adenauer was a Christian Democrat – in Canadian terms, a Conservative. But look at the superb social system Adenauer brought to Germany. He did this because proportional representation forces individual parties to seek consensus not parliamentary battles. If Canada, for example, had had proportional representation in 1982, it would not have had, in all probability, the national energy policy, in 1989 and '90 the free trade agreement, the dissolution of Via Rail, nor the GST.

The new Constitution must define federal and provincial powers precisely, and it must define money sharing precisely.

The federal government must establish the office of ombudsman, not just as a showcase, as some provinces have, but an office with teeth, an ombudsman that has the power to right the wrongs of the federal government against the people it governs.

Abolish appointed positions, and hire by competition and merit only. This would also apply to the judiciary, including the Supreme Court.

Lastly, I will stress my very great fear that this particular federal government in concert with business will, in the name of constitutional reform, attempt to dismantle our fledgling social system that has been so painfully and slowly built up in this country. Please note that I used the term "fledgling." Why? Simply, we do not have medical care or dental care. We do not have a guaranteed annual income nor even a guarantee of at least four weeks' paid vacation a year, as most European countries do. Compared to the United States, yes, we have a superior social system. But to the rest of the industrial world, we do not. Canadian business is prepared for this constitutional debate. Its aims are quite clear: destroy medicare; destroy old-age pensions; destroy the social fabric of this country. Why? It is the same shortsighted vision of greed that Canadian business has always had.

Compare the record of Canadian business in research and development and compare the same record of Swedish and German businesses. Canadian business is primarily an extractive business, not an originator or producer. To heed the business community of this country is by and large tantamount to suicide. Witness its hypocrisy and its attitude towards government and people, and government and business: tax the people, but do not tax business. Canada has, I believe, only one chance left. We will reform now or shortly be gone as a civilized, progressive, caring nation. There are two futures we could study: one, Germany, Sweden, Finland, Switzerland; the second, Brazil, Argentina, or Mexico. My choice is option number one. To achieve it, we must stop thinking as this or that and think solely as Canadians who wish to leave a future for the generations to come.

Thank you.

MR. CHAIRMAN: Thank you. Questions or comments?
Pam Barrett.

MS BARRETT: Thanks. I was writing fast, but I didn't catch what you were getting at here. You said that basically we've got to start again, suspend the Constitution, separate out the Charter, amend it, and then – this is where I couldn't keep up with you – it was: look at a whole bunch of constitutions from other countries and dot, dot, dot.

MR. PEKOE: We have to know where we're going, and right now the Canadian people don't know where they are going constitutionally. So why don't we study the constitutions of other countries? For example, Finland has a Swedish minority in Oland. Austria has minorities. Italy has minorities. Somehow or another these people are able to draw up agreements that allow them to live together. Maybe we shouldn't have a strong federal government. Maybe we should have a strong federal government. But we don't really know this at the present time. All we do know is that it's not working now.

MS BARRETT: Right. Once you do that, though, what process would you advocate for putting the new thing together?

MR. PEKOE: You would certainly need a federal parliamentary committee and committees from each provincial Legislative Assembly. Perhaps at the end it would have to be voted on by the people of Canada. There really is no rush. The only rush we have here is that Quebec has set a time limit that I don't think Quebec has any intention of holding to.

MS BARRETT: That's a good point, you know, because while they say a 1992 referendum, the question might be, "Shall we leave at the end of the century?" or something like that. We don't know yet.

MR. PEKOE: If we look at the latest polls from Quebec, at 48 percent in favour of sovereignty, they're not going to call a referendum at the present time unless Mr. Bourassa wants to lose that referendum. Already it's being suggested that the referendum that is being drawn up by Mr. Bourassa is so complicated that no one will understand it. I see a tremendous amount of facilitation on the part of Quebec. They've talked themselves into a corner, and I think that now, largely because they see the very strong reaction from the rest of Canada, they're trying to talk themselves out of that corner. I think we have to help them. I think that one way to help them right now would be to, dare I say it, abolish the monarchy and move towards a constitutional republic.

MR. CHAIRMAN: Thank you.
Bob Hawkesworth and Yolande Gagnon.

1:47

MR. HAWKESWORTH: Thank you, Mr. Chairman. Mr. Pekoe, I appreciate your presentation this afternoon. I'm not sure I would agree with you that the British parliamentary system is inherently more divisive than any other political system. I think politics by its nature tends to accent the differences, and maybe it's inherent for politicians to accent the differences. I'm not sure.

MR. PEKOE: No, I don't think it is. If you visit the British Parliament, the Canadian Parliament, and then the German Parliament or the Swedish Parliament, you see a tremendous difference. You may, for example, think that politics are very adversarial in Italy. They're adversarial in the street; they're not adversarial in Parliament.

MR. HAWKESWORTH: Well, even in Britain there's a debate currently going on about whether to move to proportional representation. I guess the point I was coming to was to ask you whether that is a system you favour, and if so, where would you see a Senate in Canada fitting into all of this? Because of course a Senate was an attempt to reproduce the House of Lords in a way. In terms of the parallels with the British system, how do you see the two Houses working together in the future constitutional arrangement in Canada?

MR. PEKOE: The Federal Republic of Germany, which is a constitutional republic, has an upper House. It is essentially appointed by the provincial governors of Germany. Whether the Senate descended from the House of Lords or not I think is immaterial. It is a check and a balance. Unfortunately, in Canada at the present time, as we saw in the GST debates, it is not a check and a balance. Proportional representation would allow it to become a check and a balance. In fact, what could be played with here is instead of a 5 percent requirement, as you might have for the House of Commons before you get anyone into it, in the case of the Senate, you could have a zero or a 1 percent requirement. You could have some fascinating kooks show up in the Senate who might really get different and divergent points of view into the Senate and also make the final check extremely complicated on our parliamentary system.

MR. HAWKESWORTH: Which has been the route or the course that Australia has taken. In fact, you're quite right. In 1975 it was a major constitutional crisis when the Senate refused to adopt the budget sent to it by the lower House. I sometimes wonder if what we're trying to do is change structures when in fact there's something else that we need to change, and I don't know whether it's simply just attitudes or whether the structures bring out sometimes the best of us and sometimes the worst of us.

MR. PEKOE: The only way you can change attitudes is to change structures. The people of Canada are absolutely convinced they have no voice in the present structure, and they're right. It takes years to build a political party in this country, whereas under proportional representation it takes certainly far less time. For example, let's take the Reform Party. The Reform Party would now have, undoubtedly, members in the House of Commons other than one. The Bloc Québécois would possibly have the same, except it was formed a bit too late, and it will certainly have members in the House of Commons. The Equality Party could also achieve that status. It would open up for a broad regional representation of people. They might be left-wing representatives of British Columbia or right-wing representatives of Nova Scotia. It would eventually all balance out, but the regions could be represented through their own parties, and this we don't have now. We have strictly a system of party politics, where you toe the party line or you go to the back benches forever.

MR. CHAIRMAN: Well, thank you very much.

A quick supplementary.

MRS. GAGNON: I know there's been a lot of time with this presentation, but you're the first person that's mentioned the need for a federal ombudsman. I'd just like to tell you that I belong to the all-party committee of our Legislature which supervises the Ombudsman's office, and at a fall meeting last year, where there were I think three reps from Alberta, all of us from the provincial Ombudsman's supervisory bodies passed a motion which was sent to the federal government asking that a federal ombudsman's office be instituted. It hasn't happened, but I'm sure we'll send the same motion again this coming year. I just thought I'd pass that piece of information along.

MR. PEKOE: I wish you every success. I would like to say that I would really like to see an ombudsman who is literally a power above government. I think it is done in Sweden, and I think it is done in Finland, so it certainly can be done. But the ombudsman has to have some genuine powers. He or she just can't do all the work, submit the report, and watch it gather dust.

MR. CHAIRMAN: Thank you.

MR. PEKOE: Thank you.

MR. CHAIRMAN: He also has to have some God-like judgment as well. We appreciate your comments.

Robin Laing.

MR. LAING: Good afternoon. Just as an individual I thought I'd try speaking here and giving you my point of view. I think I reflect some of my friends' and other people's that I know. I'll start from the beginning.

Since the collapse of the Meech Lake accord the whole country has been asking: how do we keep Quebec from separating? The unity question is not just on how to keep Quebec in Canada but on how to get all of Canada's citizens to feel good about Canada and Canada's future, to make all provinces and regions feel that they are an equal part of Canada. Many Canadians are apathetic about the problem and the future of the country, fed up with trying to do something to help the country, and being shut out by the politicians that aren't representing them. This is shown at election time by the lack of voters or voter turnout. How to go about making the citizens of Canada believe that they are a part of Canada, equal in all aspects, and proud to be an unhyphenated Canadian is going to be a problem, and it's hopefully one thing I'll go through in my report.

How do we revive the heart that we felt of being a Canadian in 1967 at our 100th birthday, celebrating the centennial of Canada? Where are we going from here? Are we going to stay united as one country, or are we going to split up? If we split up, are we going to become two countries or many little countries on provincial lines? These are the questions that Canadians have to be asking themselves, as well as other governments and people around the world. French Canadian, English Canadian, or native Indian: what is really a Canadian? What is common to all these types of people? They are Canadians. Canada is filled with hyphenated Canadians. We are all citizens of the same country, which means that we are Canadian. If a person emigrates to South Africa, he becomes an African once he gets his citizenship. He is not a Canadian-African. In Canada, if you immigrate here, you're usually – shall we say? – a Scottish Canadian or in a situation French Canadian. You're not just Canadian. A Canadian is a full citizen of Canada with all the rights and laws and is protected. Maybe it's time that we brought a pledge of allegiance into Canada to eliminate the hyphenated Canadian attitude. All the citizens of Canada should become one.

Multiculturalism is a dividing force in this country or most other countries where multiculturalism is enforced. In Canada true Canadians are having a very hard time protecting their Canadian heritage and history with all the different races being protected. The federal government's present method of support for the multiculturalism of Canada is supporting the elimination of the true Canadian culture and origin, which, in a sense, is leading to the elimination of Canada. In the early 1960s, when I was going to school, I was taught that Canada was a melting pot of races. Now Canada is being taught it's a multicultural country and protecting all of its cultures. It seems a change, but is it good or bad? I'm not the one to make that decision. In Canada all citizens should be equal. No individual person, race, colour, or culture should have any rights or privileges that puts them over the majority of Canadians. All citizens of Canada, as citizens of the country, should honour their own flag and country, as well as work towards strengthening it. Maybe a pledge of allegiance would help build this, as you swear allegiance to the flag and to the country.

1:57

In 1867, when Canada was formed, the method of government was adequate for the size of the country and the population at the time. Now, with Canada having grown and expanded, serious changes are necessary. What the people need now is equal representation. The changes necessary to achieve this equality will have to be drastic and severe. What is the best political system in the world? I'm not sure. I look at the United

States system for the simple fact that the United States is very similar to Canada, with large populations in small areas and large areas of land with little population, which means that maybe their government should be a model we can work from.

The House of Representatives in the United States is composed of members chosen every second year by the electorate of the United States. The seats are selected by population divisions of no more than 30,000 voters per seat. This should be the basis of our House of Commons, or something similar. Our House of Commons is supposed to represent the population, but presently there's a large variance in the number of people per seat.

The Senate of the United States is composed of two Senators from each state, of which one-third are elected every two years. They are elected by different states, which gives them regional representation. This was the original intent of the Canadian Senate. Unfortunately, over the years Senate powers have been decreased through tradition and patronage appointments. The one important fact about the United States government is that when a person runs for a seat, they cannot be a resident of that state they are elected in.

Present government policies have been used to buy votes in Quebec and southern Ontario. By changing to a balanced government, all areas of the country will be represented equally, as they should be. Changes in the government that protect the regions and allow better representation of the people by the government would let the people be more involved in what's happening in the whole country. The citizens would feel that they would have to stay not as the present system, to make western Canada feel that the elections are over in Ontario and the Manitoba border.

Removal of nonconfidence votes would allow MPs to represent the best interests of their constituents, allowing them to ignore party lines during voting in the House of Commons. The vote on the GST was a good example of where party discipline and the threat of losing a nonconfidence vote forced a tax on the country while the majority of the citizens did not want it.

Elections divided up like in the United States would prevent the government from becoming too radical. Having to go to the voters every two years would make the government more conservative and representative. Commons seats based on no more than 5 percent variance in population per riding would allow better representation for the populace. Recent court rulings on electoral boundaries may be the beginning of the idea of representation by population: one person, one vote.

An effective Senate equally based on provincial or land area would give us second thoughts to all proposed government Bills. The Senate would protect lower populated regional interests from being trampled on. An elected Senate would represent the people of the province or area and give them the right and conscience to vote for their constituents. Elected, equal, and effective, the triple E Senate would help bind Canada together and make every region feel they have some representation and control of the government. All areas would feel a part of the decision-making processes of the country. Again, if elections were held every two years, the Senate would be more representative of the electorate's wishes.

The Canadian Constitution should be amended to state that the Canadian Charter of Rights and Freedoms must be guaranteed to all citizens, but only the citizens of the country, and protected from the notwithstanding clause. The Canadian Charter of Rights and Freedoms is laid down in the Constitution to protect the citizens of Canada. If the notwithstanding clause can override the intent of the Charter, then it's basically useless. The amendment will prevent discriminatory or racial legislation similar to Quebec's Bill 101 from being brought in again.

The evolution of a country. When an empire, like an animal, can no longer adapt to change with the environment around it, it will die. Throughout history we have seen changes in countries and political systems around the world. Empires have crumbled and faded away. Races of people have become extinct. Languages have disappeared and ways of life have been changed by either natural occurrences or outsiders' influences. These are types of evolution. The Roman Empire collapsed; the British Empire has faded down to what's left; Canada has seceded from British rule; Germany was split up once and now is back together again; and Russia is on the verge of collapse. African and South American tribes, like Canada's native Indians, have lost their heritage and ways of life. Latin, once a major language of the world, has disappeared from normal use. All these losses have been through evolution and necessary changes at times. If any race, language, country, or species is strong enough to adapt to the world around it, it will survive on its own. Stopping natural change or evolution can become very self-destructive. Supporting a way of life when it can no longer survive on its own merits is wrong and unnatural. This is just as unnatural as purposely going out and destroying a way of life or culture or race of people. Canada's present multicultural and bilingual programs are preventing the natural progression of Canada into the world system.

Compared to the past, the world is a much smaller place. When Canada was formed it would take weeks to travel across the country and months to travel across the ocean. Today a person can go around the world in less than a day, and news can be sent to all countries of the world instantaneously. As the world gets smaller through free trade, communication advances, and open borders, the need for countries as a whole becomes less and less.

I'm going to skip a lot of this. I've got a written report, which I'll give to you, and we'll go to what I believe Alberta should be negotiating for.

The first thing the Alberta government should be doing is making contingency plans for the breakup of Canada. Quebec is on a fast-track and pressure approach negotiating a constitutional deal for itself. If the worst happens and Canada does separate, then the Alberta government should be prepared with an action plan. The reason for this is that Alberta could get off to a running start if Canada does break up. A contingency plan could be implemented very quickly if needed.

Secondly, the Alberta government should immediately bring in legislation that will prevent the fast-track approach to constitutional reform that happened with the Meech Lake accord. The legislation should be set down in such a way that it will give everyone a reasonable length of time to think on all aspects of the proposals laid out. Two votes with 60 to 90 days between them would be the simplest approach. At first the Legislative Assembly has a free vote on the package proposals; then public hearings are held across the province; then a second free vote is held, where the MLAs vote to reflect their constituents' views and wishes. The reason for this is that using a protected method in negotiating will force Ottawa to bring all proposals into public view for full and thorough scrutiny.

Third, start with every legal procedure necessary to find out what Quebec can legally leave Canada with; find out all costs, share of the debt, legal statutes for any court battles. The reason for this: the facts will change Quebec's hand in negotiations. If Quebec is going to lose more than they think they will, they may back down from their strong stand. Make it clear that for any signature on a revised Constitution, the Constitution must contain an amendment to implement a triple E Senate within two years after the next federal election. Equal representation by either provincial boundaries or the compromise to Ontario and Quebec by land area – as an idea, 2,000 square kilometres per Senate seat to a maximum of 15 seats per province. Elected by the people to represent the people, the Senate can then vote with the support of the people behind them, having elections staggered from Commons elections every four years or 50 percent of the seats every two years. Effective, they can defeat any Bills that are presented from the Commons or can introduce their own Bills. The reason Senate reform should be guaranteed in any constitutional proposal the Alberta government signs, and this should be a minimum requirement to sign: Senate reform is long overdue and the present federal system needs to be put in check with a very effective Senate. A balance of power between the majority of the population through the Commons and the regions through the Senate is necessary for Canada to survive. The triple E proposal is not that much different from what has been in the United States for over 214 years.

2:07

Changes in the House of Commons rules. New votes of confidence so that all votes can be free votes will help the ministers represent constituents. Elections every four years or every two years for 50 percent of the seats. Set a maximum number of citizens per Commons seat. Change the rules in regards to the variance of numbers of citizens per seat. To rationalize and balance the thinking of the House of Commons, the changes in regard to elections will prevent them reducing elections.

Amend the notwithstanding clause to prevent it from overriding the Charter of Rights and Freedoms. Amend the Constitution to protect only citizens of Canada. The reason to protect any noncitizen is unexplained. One example is Charles Ng. Amend the Constitution to prevent the government from getting the country any further into debt.

Thank you.

MR. CHAIRMAN: Thank you. Could I just take a moment to perhaps clarify a couple of points I thought maybe you didn't express quite correctly. I just want to check this out.

You indicated that a representative in the House of Representatives in the United States can only represent 30,000 people. I think it's more like 300,000 people.

MR. LAING: Unless my copy of the American Constitution is different, I think it's 30,000 per seat. I might be wrong.

MR. CHAIRMAN: Okay. Because they're just cutting Montana down to one seat from two because their population is . . . I think it's 300,000 more likely.

MR. LAING: It might be a misprint in what I was reading.

MR. CHAIRMAN: Secondly, did you say correctly that a Senator could not reside in the state they represent?

MR. LAING: That is written in the American Constitution.

MR. CHAIRMAN: That they cannot reside? I think it's the other way around, that they must reside in the state they represent.

MR. LAING: No. I was actually quite shocked when I read that. I read it over about five times. That's why somebody like Edward Kennedy who represents the state of Massachusetts is an inhabitant of Florida.

MS BARRETT: Would you just happen to have the reference number?

MR. LAING: No, I don't. I was thinking of bringing the Constitution.

MS BARRETT: I'm going to look it up too. That's intriguing.

MR. LAING: Yes.

MR. CHAIRMAN: Wouldn't you much prefer to have somebody, if they were a resident in Alberta, represent Alberta rather than living in Ontario?

MR. LAING: I agree. That's what I was saying. I was pointing it out as an example.

MR. CHAIRMAN: Okay. From a Canadian perspective, you want your representative to live in the province or the constituency.

MR. LAING: Oh, yes. And one thing about the Americans is that their states are a lot smaller than our provinces.

MR. CHAIRMAN: Yeah. Okay. I'm sorry. I just wanted to . . . It struck me as being a little different than I understood it.

Yolande.

MRS. GAGNON: Yes. I'm going to try to keep – I don't know what – sarcasm out of my voice, I guess. I really don't understand why you believe that bilingualism and multiculturalism are preventing Canada from going on the world stage. Do you think the world is white and English speaking?

MR. LAING: No.

MRS. GAGNON: To me it's the opposite.

MR. LAING: The world is going to English as a common language. If you look at all the reports on the common market in Europe, they are starting to go more and more to using English. I have a friend that lives in Belgium, and his wife is a translator. She does translation as a career. Now, he's from England, and every time they go out now . . . I mean, he was trying to learn Flemish. He's finding out they don't want to speak Flemish; they want to speak English.

MRS. GAGNON: What about the Pacific Rim and that kind of thing? I mean, there are millions of people with other languages.

MR. LAING: They're learning English. If you look at China as an example, most students there are now learning English. It's one of their languages which . . . China is the country which has the largest population speaking one language, and they're starting to learn English in school and use it more and more.

MRS. GAGNON: Okay. My last supplementary. You talked a lot about a true Canadian. What do you believe is a true Canadian?

MR. LAING: Somebody who believes in the Canadian heritage, wants to defend the country, and wants to help build the country for everybody in the country. The problem is that we don't really know what we want any more. Where do we want to head from here? Do we want to be a bilingual country? I don't know. You have to look at what the majority of the people want too. It's hard to describe. It's a question I've been asking myself and others have been asking themselves for a long time now.

MRS. GAGNON: Thank you.

MR. CHAIRMAN: Well, thank you very much, Robin. While I well remember the . . . Sorry, Bob, did you want in?

MR. HAWKESWORTH: I'd just like to ask a question here. At least on the surface, it seems to me there's a bit of an inconsistency. On one hand, you're suggesting that everybody across the country be treated absolutely equally; no special status for anyone. Then there's a proposal for a triple E Senate in order to – and I may be putting words in your mouth mistakenly – defend the interests of smaller minority provinces or people who live in regions that don't have the political clout of places like Ontario and Quebec. At least on the surface, to me that seems like a bit of a contradiction. Either we sort of accommodate minorities in the country or we don't. Why should we accommodate minorities on a regional basis and not maybe on some other basis as well? You know, we don't . . .

MR. LAING: Okay. Multiculturalism has nothing to do with making government policies. It's a representation of races. Having an idea of Senates representing regions is to make sure that policies don't force . . . As an example, the NEP, the national energy program, cost Alberta a lot of money to protect the southern Ontario economy. Now you end up with the federal government trying to cut their debt and asking all the provinces to cut their debts, whereas Ontario all of a sudden decides they're going to increase their debt. This could force the federal government, wanting to keep its votes in southern Ontario, to bring in policies to help southern Ontario, whereas an equal Senate would help protect all the citizens of the country, not just southern Ontario.

The problem is that if you go north of the Toronto area, they're not happy with what's happening in the federal government either. Just 200 kilometres north they say that a lot of policies are for southern Ontario, and they don't classify themselves as southern Ontario.

MR. HAWKESWORTH: Maybe I should try and phrase it differently. Perhaps Quebec feels the same way about language as we feel about the national energy program. That is, they may feel threatened that a majority in the House of Commons or the rest of Canada might endanger the future of French in Quebec or something. I'm not trying to speak for them, but if the Constitution is there to protect the interests of Alberta, is there not some way we could include in the Constitution some way of recognizing what Quebec sees as being their vital interest?

MR. LAING: Oh, I agree. Quebec can be protected in language, but I don't think enforced bilingualism across the country is necessary either.

MR. HAWKESWORTH: Thank you. I wanted to sort of clarify that a little bit.

MR. CHAIRMAN: Well, thank you very much, Robin.

As I was going to say, I remember very well the euphoria and happiness of 1967 as well. I never thought that 25 years later, which is 1992, next year, we would be finding ourselves in this kind of situation. Nonetheless, 25 years later – and we do tend to mark things in 25-year lots, as you know – we find ourselves in quite a different situation. Our committee and my colleagues in the Legislature are going to have quite a job to struggle our way through the advice we're getting to reach common ground. That's going to be difficult to find perhaps.

Doug Shepherd.

MR. SHEPHERD: Mr. Chairman, Ms Barrett. Félicitations, Mme Gagnon. Gentlemen, my name is Doug Shepherd.

Each of us as an individual has a personal code of ethics. Some of us as professionals are bound to a rigid code of ethics. Some people's lives are dominated by religious beliefs which are very demanding and go far beyond the code of ethics. During the Second World War about 42,000 Canadians gave their lives for their country and many more served, some quietly, some with great recognition, and some whose injuries gave them tortured lives until death. John McCrae wrote a stirring poem about those who died for their country.

Let's look at ourselves. Canada has gone through a number of major shocks since 1968, and from the evidence piling up it is evident that we are on the fast lane of the expressway to Third World status. Countries that were defeated during the war and suffered civil wars since are now giving us, the victors, aid. We can pride ourselves, though, for our politicians boast about the Constitution and Bill of Rights, which I brought with me.

2:17

Taking an excerpt from it right at the start, after the whereas clause we read that we have "the rights and freedoms," blah, blah, blah, that can be "demonstrably justified in a free and democratic society." I have choked already, for "free" is a loose word which has many meanings and could be easily explained like the differences in the state of a container which is full, fuller, or fullest. My next difficulty comes with the word "democracy." The office of the minister of intergovernmental affairs explains to me that we live in a parliamentary democracy with responsible government. That means that we all, including the elected representative, are responsible to the party. The citizens are insignificant in this definition. The United States of America, on the other hand, has a representative democracy, which means that the elected member represents and serves the people. In practice this meant that the Meech Lake meeting in Medicine Hat was originally planned as a constituency association meeting, so those who had paid to belong to the constituency association had the right to go and to participate in the democratic process. Nonmembers, who had not paid a fee, much like a poll tax, seemed to have the rights of a noncitizen or foreigner. Parliamentary democracy has been defined as the adversarial system. Now that we have the opportunity to see Parliament and the Legislatures in action on TV, it is quite clear that there is the party in power and the enemy, which is the opposition and the people.

To continue with the Charter of Rights and Freedoms, we have the right to vote. Parliament will sit for five years only, unless it changes its mind, and it also must meet once a year.

As I see it, the Charter of Rights and Freedoms is an insult to Canadians and a mockery of democracy. When we consider that it was the brainchild of Pierre Elliott Trudeau, who has pronounced totalitarian tendencies, then I understand it even more. Our politicians have been very careful to be sure that we in each province are an island of parochialism, ignorance, and bigotry. If the country separates, then it will be a direct result of this highly developed process of pitting one province and one region and one race against the other. We who have lived in all regions of Canada for an extended period of time have observed that this is the practice and have seen that the companion part is divide and conquer. As long as politicians continue this practice, then there will be no national unity, because politically it is undesirable and does not meet the political objectives of the political parties, which seem to be the right to plunder. See the national energy policy. My interpretation of the Bill of Rights, therefore, is that I have the opportunity to choose who will exploit the people of Canada for the next four to five years.

Bourassa, we are assured with hindsight and repeated analyses by the press, ran the most corrupt government in the history of Quebec, and the result was the FLQ crisis. Trudeau imposed the War Measures Act, and to be sure that we had peace, order, and good government and to keep Bourassa from losing power, what he actually did was to guarantee that the object of government was exploitation, corruption, racism, and patronage, for that is all we have seen since.

Let us consider the quality of some of our Senators. Starting in alphabetical order, one of those who gained notoriety is Hazen Argue. He used his ranking and privileges to help get his wife elected. If I were asked what this seemed like to me, my first impression would be that this political appointee is a petty thief. There are other Senators such as Hébert, who promised to starve himself to death in the halls of Parliament and made an ass of himself and Parliament; Cogger, a different sort of guy; Senator Giguère, of the Sky Shops affair, not a very dull fellow. Consider Senator Buchanan, of recent Nova Scotia fame for vote buying and the Donald Marshall affair; and more political appointees called judges, who brought public notoriety to the quality of justice that political appointees can deliver.

Perhaps the reason the Canadian media is so bad is that there seems to be a special reward for a dismal performance. Many journalists have made it to the other place. For his contribution to national unity one prominent journalist, who was singled out for meritorious service, writes in his book that the western provinces have wiped out the use of the French language by legislation.

That Manitoba did this is a fact, but my sources tell me the Lieutenant Governor of the North-West Territories allowed the use of the French language to lapse because there were so few French here that it was not reasonable to maintain it. Cartier sent Joseph Royal west as Lieutenant Governor with Senator Girard, and since 1870 the French Canadians themselves have stopped the publishing of ordinances in French. Perhaps these people felt much the same way many Quebeckers of today feel. They come west to escape the oppressiveness of Quebec and do not even teach their children the language, which is some unfortunate version of the French language.

If asked about this, then from my experience the Senator, the political appointee, has trouble with the truth. Perhaps, as I pointed out before, this is the reason there is such a dismal media in Canada, for look at the number of media personnel who have served and been rewarded by the sorcerer.

The Parliament of Canada has become Canada's number one school of organized crime and the cradle of racism, with the Senate being the graduate school. Some of the more prominent students lately have been Bissonnette, Cartwright,* Côté, Coates, Fraser, Fonteyne, Gravel, Grisé, Hicks, Joncas, La Salle, and Mulroney, who paid 6 and a half million dollars to prove that Sinclair Stevens was squeaky clean. Stevens was found guilty on 14 counts, and he has not yet faced the courts. Word leaked out that there are at least 15 more to be singled out for notoriety, and Parliament has made a rule that you must give 30 days' notice to search the office of a Member of Parliament. There seems to be a new parliamentary tradition developing: plead guilty to hide the facts. Was it Gravel or Grisé who pled guilty to over 50 counts and spent the night in jail?

It seems to me that the real constitutional crisis is the breakdown of morals and betrayal of the public trust by those we elect. We also witness the power struggle between the Parliament and the Legislatures and the ego trips with the citizens as the real losers. When can we expect the constitutional amendment that obliges the elected members to bring morality back to the Parliament and the Legislatures? It is evident now that the wrong people are filling the jails.

Now for the benediction. Peace, order, and good government be upon you. May the farce be with you.

MR. CHAIRMAN: Any questions or comments anyone would like to raise?

MR. HAWKESWORTH: Do you see any signs of hope in this country, Mr. Shepherd?

MR. SHEPHERD: None. In fact, rather than answer questions, I think I would like to have each member here give a commitment to the people in this room as to what you're going to do to clear up this mess. I'll leave and listen.

MR. CHAIRMAN: The scheduled time for a coffee break was at 2. I think it's appropriate that we should now take that, and then we will conclude. We have two more presenters: Ivor Ottrey and Terry Riley. We will deal with those and then conclude the day. Thank you. We'll take a coffee, stretch, or whatever break.

[The committee adjourned from 2:28 p.m. to 2:39 p.m.]

MR. CHAIRMAN: Thank you very much, ladies and gentlemen. We will now proceed along. Jo-ann Petro, who was here, I understand has had to leave but Ivor Ottrey will be pleased to come forward, my former next-door neighbour. How are you doing, Ivor?

MR. OTTREY: Very well, thank you. Mr. Chairman, members of the commission, I thank you for this privilege and opportunity of being able to speak before this commission.

I do recognize the importance of all the issues raised in Alberta in a New Canada, from the need of a triple E Senate to bilingualism to amending the Constitution. Among the issues certain ones stand out to certain people or groups. Hopefully, those most concerned will speak to those issues.

For myself, I am concerned that Canada is no longer a dominion – that is, a land which acknowledges God's rule from sea to shining sea – no longer a land whose laws reflect or parallel the laws of God. In particular our laws do discriminate against one group of people. Our laws no longer recognize one segment of society. In fact, there is no law to even recognize certain members of society, valuable members who give joy and hope, who create compassion and love, who would in a generation contribute countless blessings upon this land; that is, if they were given the most fundamental right there is, the right to live, the right to life itself, the right to be born. I speak about that group which a high court has declared to be nonpersons, the most innocent of all of life, the unborn children.

Not too long ago slavery treated a race as less than human, without rights and without protection. Women also were not considered able or fit to vote. These two injustices have been remedied in North America, yet now we have regressed to denying life to unborn babies, babies that are recognized in God's word as persons, babies that have enjoyed legal rights of protection and inheritance previously, babies that scientifically are, without question, human, babies that pregnant women have always known are indeed just that, developing babies within their wombs, distinct new human lives. But our land does allow abortionists like Henry Morgentaler to shred to pieces these little defenceless bodies and suck them out of the womb or to burn them to death by the painful saline method or to deliver them live by hysterotomy and leave them or cause them to die.

Hitler's Nazism made us aghast with repulsion and horror, yet today our land allows such evil to flourish. I am concerned for these unborn babies. I am concerned for the mothers who have been sold on abortion and consequently suffered terribly physically, emotionally, and spiritually. I am concerned for a society that stands by and allows the destruction of innocent and helpless beings. It is ironic, is it not, that the worst murderer in the land has more rights than the baby in the womb. The womb that was once the safest place in the world now becomes literally the most dangerous place on earth. For masses it is really from womb to tomb. I am concerned because if the right to life for any one segment of society is denied, then all other rights are unjust, since we gain them at their expense. Further, since they are put to death most often because of inconvenience or expense, not being protected with the absolute values of God but with the shifting values of humanism, every other vulnerable, inconvenient, expensive, nonproductive, unwanted segment of society may be eliminated. If we practise violence on the unborn, let us not be surprised at the increase in violence in society, particularly against children or women, the handicapped, and the elderly. Violence breeds violence.

Abortion is a great evil, and I plead for a Constitution that protects the unborn children, that recognizes them as persons. I plead for laws that prevent the practice of abortion, and in this respect we need to be ruled by elected Members of Parliament and not by a Supreme Court which up until now has done nothing supremely for the unborn.

Thank you.

MR. CHAIRMAN: Thank you very much, Canon Ottrey. Questions?

Yolande Gagnon.

MRS. GAGNON: I just wanted to say that I am pleased you've come forward, because during this one week we have had three presentations saying that fetal rights must not be included in the Constitution, and I think you've provided the balance and also made us aware that it is quite an issue. Thank you.

MR. CHAIRMAN: On that particular . . . I'm sorry, Gary. I'll get in at the end.

MR. SEVERTSON: You mentioned that the Supreme Court hasn't been proper in its judgments. Is that in reference to the Charter of Rights on the abortion issue then?

MR. OTTREY: Yes. It seems to me that any Supreme Court which is hand-picked, and even if as such they'd been pro-life people, I think it's a very dangerous thing when a small body of people can overturn the law made by Parliament.

2:49

MR. SEVERTSON: Do you think the Charter of Rights should be taken out of the Constitution? The '82 Constitution passed that right of Parliament over to the Supreme Court with the Charter of Rights being included, so do you think that should be taken out of the Constitution then?

MR. OTTREY: I don't know how I would do that. I'd have to leave that to yourselves. But I do want to see the protection and I do want to see Parliament run the country and not be so subject to a small body of people.

MR. CHAIRMAN: Thank you. I'd just like to follow up on that because the people who have come before us earlier have said that they do not want to see the Charter of Rights amended to include fetal rights. Now, if they were in there, I'm not sure how they would be described precisely. But if they were in there, then the Supreme Court of Canada would be able to interpret what was meant by that clause. I'm not sure whether you want to include fetal rights in the Charter of Rights and thus strengthen the Charter of Rights in that respect or whether you want to see laws made by Parliament less subject to rule by appointed courts. I haven't worded it too well perhaps.

MR. OTTREY: It's a hard thing to say. I suppose I want fetal rights in the Charter. I think there is the notwithstanding clause so that when the Supreme Court seriously disagrees with Parliament, that can be challenged, is that correct?

MR. CHAIRMAN: Well, at the present time there is. I think you've answered my question, that you would really want to see the Charter strengthened by including fetal rights. That, of course, would then require the Supreme Court of Canada to acknowledge the existence of that right in any future laws relative to abortion matters.

MR. OTTREY: Probably the best way.

MR. CHAIRMAN: Okay. Well, thank you very much, and you have indeed touched on a very significant issue within Canada at the present time. We have had, as I say and as Mrs. Gagnon pointed out, three presentations this week asking us not to do the thing that you ask us to do, so it's an interesting dilemma we face. Thank you very much, Ivor.

Lutz Perschon, you wanted to make a very brief comment I understand.

MR. PERSCHON: Yes. Thank you. The MD of Cypress, whom I'm representing this afternoon, has actually made a submission by mail. I brought along a slightly revised version of that particular document, and in addition to the five principles that we had alluded to in the first submission, the MD has now added to that a statement in terms of some limitation with respect to government deficit and total debts. I guess it's felt that if the country is to survive into the future, we cannot go on saddling our future generations with this kind of debt.

Apart from that, Mr. Chairman, I don't know how much else I want to say. I know you're stretched for time, so in that regard I thank the committee for taking the time. I know you've got a plane ride to Calgary. I'll leave this with you, and I know each one of you will want to just take that time to read it.

Thank you very much.

MR. CHAIRMAN: Just one second before you leave. You're representing the municipal district of Cypress? This submission was discussed and represents the official position of your council, is that correct?

MR. PERSCHON: Yes, that is correct.

MR. CHAIRMAN: Okay. I had read it before when the reeve sent it to me, but other members will have an opportunity of doing that now. Thank you very much.

Terry Riley.

MR. RILEY: Thank you very much, Mr. Chairman and members of the commission. I appreciate this opportunity to speak to you. There's a couple of things that I suppose I want to raise. First of all, I'm a schoolteacher, and this paper I brought along is an example of the kind of thing that I have presented to my students as a method of trying to present their ideas. Their assignment this week was to take one of the powers that exist in sections 91, 92, or 93 of the BNA Act, or what I still call the BNA Act, and to try to decide for themselves why it should either be moved to a different section of the BNA Act or why it should stay where it is. That was the assignment they were asked to do, and what I've presented here is a sample of an area that I feel most comfortable with, which is education. I am a teacher. The first early part outlines the basic choices that they would have to be aware of, and it kind of acted as a review for what we had been doing in class. It's kind of simplistic, but I think it outlines the concerns we were raising.

Really, the choices are only three that we face as a country. We can move to a unitary system where all decisions are made in Ottawa, or we can gradually balkanize ourselves into a whole bunch of separate little states and end up with a Holy Roman Empire of Canada – if I can use that expression, referring to the system in Germany where gradually over time, from the year 900 through to the year 1500, what had been a fairly united empire disintegrated into a bunch of squabbling little states – or we can go the third route, which is what our Fathers of Confederation chose to do in 1867, which is to form a federal system where there is necessary power in the central government, necessary to hold the country together in economic terms, in foreign relations terms, provide the basic infrastructure to build a strong and vibrant and prosperous nation but at the same time leave enough authority to the provinces that the cultural concerns of the people could be dealt with within the province, within the level of government that is closest to them.

I believe that education was left to the provinces precisely for that reason, so that each province could maintain the rich, diverse cultural traditions of this nation without having some centralized vision, imposed from Ottawa, of what our culture should be. That's what education is. Education more than anything else is the passing on from one generation to the next of the cultural traditions and the rich heritage that has been developed over time. Now, it is obvious that Quebec has a different cultural heritage than do we, and any suggestion that we try to take Ottawa and turn over to Ottawa the right to impose rules and regulations and standards over education is an open invitation to have Quebec separate. I might also think it would be an open invitation to have Alberta separate because I happen to think we have a pretty good education system here. It may not be the best in every regard, but on the whole it is the best in the overall regard, as far as I'm concerned and for the reasons I've outlined in the essay.

I believe trying to centralize more things in Ottawa will have the impact of destroying the flexibility, the responsibility, and the ability to deal with student and teacher concerns in a timely and efficient fashion. Centralization, in my opinion, takes you far beyond the optimum size of any organization. The whole idea of an optimum size of organization means you don't get too big and you don't get too small. The province is an ideal size to deal with the issue of establishing a broad curriculum yet leaving in the hands of school boards certain rights and prerogatives that allow them to adjust that curriculum, to adjust the method of operation within their local situation.

Now, I don't know how far I've got, so I wanted to review a few things that my students and I had discussed this week about the powers and where they were and where they should go. Immigration was one thing of great concern to my students. Although I have listed it as a shared power under the Constitution of the BNA Act – and it is a shared power – they believe that the province has to have a bigger role in immigration than it has had in the past. The needs of one province are not the needs of another with regards to immigration, and the provinces should play a bigger role in establishing who should be invited into the province in the first place.

Money and banking was another concern of the students. They saw that interest rates were shoved very high over the last few years to try to stifle runaway inflation in Ontario, but at the same time the result was some pretty devastating farm closures and business closures in the west. They suggested that perhaps we could have some kind of an overriding board of governors that had some provincial input so that these decisions were not made by the Governor of the Bank of Canada alone.

2:59

Trade and commerce was another concern. They weren't quite sure what to do with it, but they thought there should be a greater provincial input into international trade.

Indians and Indian reservations. The students felt that perhaps the responsibility has not been dealt with properly where it is, and perhaps if there were more provincial input, not transfer the whole responsibility to the provinces but if there could be a greater degree of sharing of responsibility for providing social services and education and those kinds of things by the provincial government, there might be a greater opportunity for some of the problems of the native Canadians to be dealt with in a better way.

International and interprovincial transportation also was an issue that they felt perhaps the provinces should have a little more say in.

Fishing and agriculture are currently shared responsibilities, and they thought they should stay shared but the provinces should have perhaps a little more strength in ruling these things than they currently do.

The one area where they thought provincial jurisdiction perhaps had interfered with proper development and prosperity was in the area of licensing, specifically with regard to truck transport. The requirement to have different licences every time you pass through a different province to them was inhibiting trade between the provinces and perhaps counterproductive to the need to increase the prosperity and productivity of Canada. They thought perhaps that should be transferred from the provinces to a category of shared responsibility between the federal and provincial governments to eliminate this problem of having to duplicate licences every time you go into a different province.

There are a thousand more things I would like to talk about. For example, I personally believe that the Charter of Rights has created a dictatorship of the judiciary. I'm a son of a Supreme Court of Alberta justice, so I don't have anything against judges or anything like that, but I really think I would rather have the ultimate authority to decide what our law is and how it should be applied to be the people we elect and not people who are appointed. I don't care if they're appointed by the Parliament and then approved by the Senate and then anointed by the Pope; I still think the ultimate authority should be the elected representatives of the people, and that isn't happening under our Charter of Rights. Students are fearful and I'm fearful – maybe I put the fear into them; I don't know – that we are moving towards an American society where we protect the rights of the criminal in a very wonderful way, yet the ordinary, law-abiding citizen has to lock himself up at 6 o'clock at night with 14 bars on the door. That is my greatest fear.

Thank you very much, Mr. Chairman.

MR. CHAIRMAN: Thank you very much for your comments. Questions? Okay, if there are no questions from the other members of the panel, you have indicated a concern, Terry, about the federal government. In your paper you indicate three options on the subject of national standards for education. Since you have five minutes left, would you just like to expand upon those relative to your concerns?

MR. RILEY: Well, there are three things you can do with education: you can transfer it to the federal government, you can make it a joint responsibility, or you can leave it with the provinces. My clear preference is to leave it with the provinces. I believe the funding of education varies from province to province, and that perhaps is one area where there could be a greater look. But I believe that the delivery of service is better fulfilled by doing it through provinces and then to the local school boards. I think the local school boards on the whole do a pretty good job. They can adjust. The way we have set it up in Alberta, right now at least, there's enough freedom there for local school boards to initiate curriculum if they want to. It has to be approved by the provincial government, but they can initiate curriculum. They can put their emphasis on the programs that are of particular need to their communities.

If you standardize educational standards at the national level with Ottawa telling you what you have to do and what you can't do, the local interests will never be reflected in the curriculum and the provincial interests won't be reflected in the curriculum. The textbooks that we get out of Toronto right now don't even talk about the problem of western alienation. They wonder why we have a big demand about the triple E Senate here, and every textbook you get doesn't say anything about the national energy program, doesn't say anything about the PGRT, doesn't say anything about the whole question of western alienation. So if we're going to put education in the hands of Ottawa, then our concerns will never get addressed in our education system.

I believe the administration of education is more efficiently done by a provincial organization. I'd hate to have to phone Ottawa every time I needed an administrative decision. Now I can just get ahold of someone on my own school board, and they can get ahold of somebody in the Lethbridge regional office or phone the Department of Education directly. I've got a RITE number I can phone anytime I want speak to somebody in the Department of Education. I can't do that to Ottawa. Ever tried getting through to that income tax number? Forget it.

MR. CHAIRMAN: I t[illegible] and avoid even talking about income tax.

MR. RILEY: I guess I'm running on here.

MR. CHAIRMAN: There's one other question I had. You raised something under an item called "Curriculum Concerns" that I have never seen raised quite this way, and perhaps you might want to put it into the record: the subject of official bilingualism and the issue of the Official Languages Act and curriculum if the federal government were setting it.

MR. RILEY: The concern I have about official bilingualism is: if you force a man against his will, he's of the same opinion still. I don't think the people, the students are particularly resentful of French Canadians or Quebeckers; I think they're resentful of being required to acquire that skill before they can move forward or progress. That perception perhaps is incorrect, but that perception is there. I would be concerned and the students would be concerned that if official bilingualism became the policy, they would have to sacrifice many other programs they currently can engage in in order to take a second langauge. Certainly many teachers, I think, would be very, very concerned if they did lack the second language skill whether we'd even have a right to acquire a teaching certificate in this province. There are many great, great teachers who only have one language. I don't know if I can count myself in that number; I'd like to think I could. There are certain other teachers I know who only speak English who are great teachers.

I'm always reminded of the story of the Trudeau swimming pool. Young Sasha is drowning for the third time, and Trudeau has to dive in and rescue the young fellow. He pulls him out, and he says to the official lifeguard, "Why didn't you save my boy?" This lifeguard says, "I can't swim." Trudeau says, "How did you get the job?" "Well, I speak both languages very well." That would be my concern, Mr. Chairman.

MR. CHAIRMAN: You asked the question:

> If the Federal government had legislative authority over education, and in light of the "Official Languages Act" does anyone believe that there would not be an attempt by the Federal government to impose bilingualism on our schools?

Do you think that's a real fear or concern?

MR. RILEY: I think it's a real concern. I don't know if it would truly come about, but I believe it is possible that it would come about.

MR. CHAIRMAN: Okay. Well, thank you very much, Terry, for your presentation and all of you who have presented today.

Terry, you mentioned something called perception. I guess really one of the things that we have to try and do as a committee is know what is perception and what is reality. You've often heard the expression that perception is reality, but it isn't. I'm going to tell you a little story, and the panel members have heard it, so they aren't expected to laugh. Nonetheless, this is a story about perception and reality. It relates to the young diplomat who on his first posting in Lima, Peru, attended a number of cocktail parties on the Peruvian national day before attending a official reception at the presidential palace. He arrived at that, and there was a huge crowd of people. There were chandeliers, and it was all very glamorous. People were dressed in their finest. Very much the worse for wear, having gone to all those cocktails parties, he perceived a vision in scarlet across the room. As the music struck up, he staggered across and asked for a dance. The answer was: "No, for three reasons: first, you're drunk; secondly, the music is the Peruvian national anthem; and thirdly, I'm the archbishop of Lima." So perception is not necessarily reality.

I'd like to leave you with the thought in your minds: let's try and get into our minds what the reality of Canada is, and let's try and eliminate some of those perceptions that are not reality. That's why we've come up with the discussion paper. That's why we're holding these meetings: so we can, by a process of dialogue, move along to a better understanding on the part of ourselves as legislators and on the part of Albertans as Canadians. I hope we'll succeed, and I hope you hope that we'll succeed as well.

Now I'd like to declare this meeting adjourned. My colleagues are going on to Calgary this evening where they will hold some further hearings. I won't be joining them. My youngest daughter's graduating from Crescent Heights high school, and tonight's the graduation, so my priorities are clearly established: I'll be here. But tomorrow I will be in Calgary as well with my colleagues to hear the last day of hearings in this process.

On June 6 we will be meeting with the other panel, which is also meeting today. They are in Edmonton this evening and tomorrow. They will gather together with us, and all 16 members will determine then what if any additional hearings will be held throughout the province and what our next step will be. We are taking this one step at a time. We do want to be sure in the end that when we bring forward a report for our colleagues in the Legislature to consider and debate and possibly hold public hearings on again at that stage, we will have heard from Albertans, and Albertans will be persuaded in their minds that we have heard. From what you have heard today, you will appreciate that the views range very broadly over the spectrum as to what people would like Canada to be, so our challenge is immense, but we do appreciate you all taking the time and effort.

If I may, Your Worship, thank you for being here for the whole day as a leader in this community. I appreciate you taking that time from your schedule, but it will help you, I'm sure, in your efforts to discuss the matter with your fellow citizens of this community as well. I also thank all of you, from whatever walk of life, for having come today and participated with us in this process of democracy. Thank you all.

[The committee adjourned at 3:08 p.m.]

7 p.m. **Friday, May 31, 1991**

[Acting Deputy Chairman: Mr. Rostad]

MR. ACTING DEPUTY CHAIRMAN: Ladies and gentlemen, I guess we can prepare to commence our evening. Welcome to our second weekend session in Calgary. My name's Ken Rostad, the MLA for Camrose, serving as chairman tonight. The chairman of this panel is the Hon. Jim Horsman, MLA for Medicine Hat. He couldn't be with us tonight. His daughter is graduating from high school, and I guess there are priorities. I'll have all of my colleagues introduce themselves so you do know who is on this panel. It was the other panel that was here last weekend.

Bob.

MR. HAWKESWORTH: Thank you, Mr. Chairman, and welcome to Calgary, all of my colleagues. I'm the MLA for Calgary-Mountain View.

MRS. GAGNON: Hi. It's great to be back in Calgary. We've been on the road all week. I'm Yolande Gagnon, Calgary-McKnight.

MR. ADY: I'm Jack Ady, MLA for Cardston.

MR. SEVERTSON: Gary Severtson, MLA for Innisfail.

MR. BRADLEY: Fred Bradley, MLA for Pincher Creek-Crowsnest.

MR. McINNIS: John McInnis, MLA for Edmonton-Jasper Place, home of the world-famous West Edmonton Mall.

MR. ACTING DEPUTY CHAIRMAN: Thanks, colleagues. We have a busy night. We have held hearings in Medicine Hat all day, so if you see any of the members here glaze over as the evening goes on, throw a spitball at them.

Just a few administrative details so that we can ensure that everyone knows how the evening will work and we can keep ourselves pretty well on the timing of the agenda. Garry Pocock, secretary of the panel, has a timer. It will be set for 10 minutes, it'll ring, and then he'll reset it for another five, just as an indication to the presenters that at 10 minutes you will have another five minutes. If you wish to have time for questioning, please try and allow for that within your presentation. We will still try and fit questioning in, but everybody's slotted on a rather tight schedule of 15 minutes each. At 9 o'clock we have an unscheduled part where we'll try to fit in people who have not been able to arrange for a designated time but are here, and that procedure will be just to make a presentation on a shorter time line, and we won't be questioning, again just to be able to accommodate the meeting ending by 10 o'clock.

With that I guess we can commence. Our first presenter is Mayor Duerr. Welcome.

MR. DUERR: Thank you. I have bound copies so you can have something to scratch on. What I will do, Mr. Chairman, is try and follow this to a reasonable degree and try and leave some time for questions. I would also like to welcome you back to Calgary and say that after going through two days of solid hearings last week, I don't envy you at all. I certainly laud the committee for the very important work that I believe it is doing.

I believe that certainly governments recently have encountered skepticism and concern from citizens about previous constitutional review processes and the extent to which past discussions have effectively represented public opinion. I think it is this concern which has prompted Calgarians and city council to ask me to come here to speak to you this evening. In this work which lies ahead, this work for you and this work I guess for all of us, I think it is incumbent upon each of us as elected representatives to ensure that we provide opportunities to listen to and to represent the concerns of our constituents.

In this process it is also important, I believe, to look forward not just to the rest of this decade but to a new century and into that century. We must all ask ourselves what we want of our community, our province, and our country in the year 2000 and beyond. The city of Calgary has undertaken such a process. We're prepared to plan Calgary into the 21st century in order to position our city to compete effectively and prosper in the next century. In response to the province's Vision 2020 initiative, which was an excellent initiative, I might add, the city also produced its own Vision 2020 document. We involved citizens actively in that process. Over 300 Calgarians were involved, and these two documents in a very real way and actually with a fair degree of consistency, although there were different processes, define what Calgarians see as their vision for the future for the city of Calgary.

As I listen to and share in many of the comments and ideas voiced by Calgarians, I believe that most people aspire to a prosperous, competitive, and growing economy and a country which is concerned with its future, its environment, its quality of life, and a country which is united for ourselves and certainly for our children. In order to achieve this vision, though, there are a number of issues which must be addressed. In this presentation to you this evening I am going to briefly dwell on five of what I believe to be key issues: the first, the role of municipalities within our federal system; the second, the division of powers between levels of government; the third, aboriginal rights in these discussions; the fourth, individual rights and responsibilities; and the fifth, the relationship between economic issues and our nation's future. These five issues will be important ones for us to study, to obtain comments on from citizens, and ultimately to address during these upcoming months.

With respect to the first issue, I would like to raise tonight concerns that the federal system in Canada, in particular as it relates to municipal issues, is not I believe fully understood. As we know, the Canadian federal system divides and assigns legislative responsibility for issues to the federal and provincial governments. This division includes the assignment of responsibility for municipal institutions to provincial governments. No separate authority is assigned to municipal government in the Constitution. Municipalities have often been described as creations, or sometimes creatures, of the provincial governments.

However, the role of municipalities has grown and changed significantly since Confederation. When municipal institutions were assigned to provincial responsibility in 1867, there were only a few cities and towns in Canada. Our western population tended to be largely rural and dispersed, and municipalities were for the most part small and relatively isolated settlements serving outlying rural areas. There was a low level of demand for public services, and municipalities provided limited support for education, public welfare, and road maintenance, very, very limited responsibilities.

Following the incorporation of the city of Calgary in 1894 and the entry of the province of Alberta into Confederation in 1905, the west began to grow rapidly. Transportation links, settlement policies, and agricultural development brought many changes to the west, including the establishment of a number of new municipalities. With the advent of the Depression in the 1930s the growing pressure on local government to provide increasing services was apparent. Local governments, with support from the provinces, were called upon to assist the unemployed and the homeless. The Rowell-Sirois commission identified the need for basic standards for social services as well as unemployment relief. The report of the Rowell-Sirois commission also recognized the changing demands for government services and the need to review government responsibility for providing and funding those services.

Following the Second World War, the role of governments continued to expand as urbanization increased in Canada. As well as the movement of citizens from rural to urban areas there was a general growth in the population, transportation and mobility, development of suburban areas, and a growing need for infrastructure to support our complex urban society. Today Canadian municipalities have grown to large, thriving manufacturing and service centres. In Alberta our two largest cities alone, Calgary and Edmonton, account for 52 percent of the province's population. Similar trends are apparent across the country, where more than 75 percent of Canadians now reside in urban areas.

In 1987 local government expenditures rose to $45 billion in this country. Recent additional divestment by both the federal and provincial governments has resulted in municipalities assuming responsibility for the delivery of new services in areas of housing, social services, and health care, as examples. To many citizens local government is the most immediate and most important level of government, the one which provides direct and necessary services as water, electricity, sanitation, police, fire, and educational services, to name a few.

To summarize, significant changes have occurred in the size and importance of municipalities since Confederation. Along with this growth in size has come a growth in the role of municipal government. The basic programs provided by the early settlements have increased to a broad range of complex and vital services. Despite these changes the formal designation of municipal institutions as creations of provincial governments has remained unchanged. This constitutional treatment of municipal institutions no longer reflects the reality of local government in Canada. Our growing and significant municipalities are vital and a permanent feature of our federal system of government that should be recognized in the Constitution.

7:10

In addition to the growth of municipalities, we have seen an increasing interdependence between all levels of government. I'd like to briefly deal with the whole issue of division of powers. Programs and services have been adopted at the federal, provincial, and local levels to respond to growing needs and demands of our citizens. There is now a need to clarify the division of responsibilities between governments as well as to acknowledge the impact which policies of one level of government will have on another level of government.

Within the Canadian federal framework a number of issues are jointly handled by all three levels of government. As the environment has become an area of increasing concern for Canadians, all levels of government have become involved in these issues. The federal and provincial departments of the environment along with municipal governments are all actively involved in efforts to maintain and provide clean water for various needs, as an example. Similarly, economic development, housing, and social policy initiatives have been established at the federal, provincial, and local levels.

While shared responsibility amongst governments will be appropriate in some instances, it is also important to point out that there is an overlap in services, and in many respects that overlap in services may be unnecessary. Often such overlap may appear confusing or unnecessary to citizens who require access to our services. For instance, a patient's first contact with our health care system may come through municipally supported paramedical assistance and emergency medical transportation, followed by treatment in a provincial acute care facility, with follow-up home care provided by nursing staff. The federal government is involved also in the health care delivery system through its efforts to establish standards for medical care and also in transfer payments.

I would suggest that the challenge facing our governments is to systematically examine the powers and responsibilities of each level of government and to clearly establish the roles for each level of government. By clarifying government roles, the complexity, overlap, and duplication can be minimized, and coordinated, co-operative efforts can be stressed. There is a need to examine, simplify, and clarify the relationships between federal, provincial, and municipal governments in Canada in order to ensure that programs are managed effectively.

Along with the need to clarify the respective roles of government, it is also important to acknowledge the impact which service or policy changes by one government will have on another level of government. I'd like to point out to you that just as the Alberta government is very concerned about federal decisions that impact on the provincial government, the provincial government makes decisions that impact on us at a municipal level. In both cases the federal and the provincial governments make decisions that impact on us at the municipal level. This cascading effect has a very real impact on our ability to plan our future effectively. While municipal responsibilities and expenditure requirements have increased rapidly, our revenue sources remain primarily limited to property taxation, user fees, and provincial grants. This dependence on provincial transfers which are beyond our control contributes to funding uncertainty and reduced flexibility in allocating expenditures.

I note in the report some examples of how the transfers have been reduced and how we see an indication that over the next five years grant programs totaling $227 million will expire or be subject to renewal. There's a tremendous amount of uncertainty in our ability to provide for the future. Too often municipal governments are placed in a position of responding or reacting to another government's initiatives.

Again I say to you that we need to be at the table so we can effectively plan for our economic future in the same way that the province needs to have a stronger relationship and a degree of certainty in its relationship with the federal government. I think there's a growing need for governments to acknowledge, be aware of, and explore the impact that changes in one jurisdiction will have on other governments as well as the citizens that they're serving.

To summarize, constitutional review must address the distribution of powers in Canada. Constitutional discussions which have taken place in the past between the federal and provincial governments have often failed to specifically acknowledge the role of local government in Canada. The 1985 Macdonald commission recommended that federal and provincial government should increase the involvement and responsibility of local authorities. We would ask that that be considered at this point in time.

Very briefly, because I'm starting to run out of time, on aboriginal rights, we believe very strongly that that is an important area of discussion for the Alberta select special committee, and it's an issue that must be included. In a very real way municipalities, I believe, can help you in that discussion, and I think we have some common issues here. Certainly how we deal with aboriginal peoples and certainly how we deal with aboriginal peoples within our municipal jurisdictions, the needs of the urban native population, is something I think should be shared and something that should be bought into by all levels of government. We are in a situation right now where we are dealing with urban native problems in the absence of support at the federal level.

With respect to individual rights and responsibilities, very quickly, we want to emphasis that we believe that individual rights are extremely important, but they should not replace collective responsibilities. There is no division of community social responsibility to balance individual rights. I think it would be important to give consideration to the definition of social responsibilities and to solicit the opinion of Albertans on this very important issue.

Finally, in closing, we talk about the need of looking at the economic well-being of our country. We say very briefly that any discussions on constitutional reform should recognize the importance of economic issues. We believe they're very closely linked. I think we must work together to achieve constitutional reform in order to support the prosperity of our country. At the same time, resolution of economic concerns will support the unity of our nation. Neither issue can be dealt with at the exclusion of the other if we seek growth and prosperity in the 21st century.

I skimmed over that very briefly, Mr. Chairman. I wanted to leave some time for questions. Thank you so much for this opportunity.

MR. ACTING DEPUTY CHAIRMAN: Thank you, Your Worship.

John.

MR. McINNIS: Thank you. Mayor Duerr, you mentioned the environment as being an area of jurisdiction shared between all three levels of government. I kind of think that's a good thing as long as you are together on what you're trying to achieve. If not, it can be a nightmare if you end up of fighting with one another. I wonder how you feel about the idea of making the national government clearly responsible for setting environmental goals and standards so that from coast to coast clean water means the same thing in every province and you don't have a kind of, I suppose, willingness to compete on environmental standards or ambiguity in terms of what we're trying to achieve in that area.

MR. DUERR: I would agree wholeheartedly. In fact, we have been saying for quite some time in the city of Calgary that the federal government's role is clearly one of setting standards, so that there is a consistency in application, and providing for necessary enforcement procedures if those standards aren't met. Very clearly, I think the provincial role is to ensure that, again, there may be further refinement of those standards in certain areas and additional standards placed to respond to regional circumstances. I think in a very real way right now municipalities could well use additional legislative authority, at least enabling legislation, that would allow municipalities to explore, to maybe even go further than maybe a provincial jurisdiction could appropriately do, given the fact that the provincial legislation has to respond to a broad range of circumstances.

MR. McINNIS: Thank you for that. Just one other aspect of that, I wonder if you'd support putting something in the Charter of Rights and Freedoms dealing with the right to a clean environment, so that if the standards aren't met, individual citizens might have access to the courts to enforce standards? It's not germane to your presentation, so . . .

MR. DUERR: I haven't given that a lot of thought, and I don't know what the ramifications of that would be. I certainly believe very strongly in a strong set of standards. I certainly believe very strongly in national standards. I'll give you just a very quick example. The city of Calgary in its sewerage bylaw has one of the toughest bylaws in Canada. We lost a number of major industries for the city of Calgary to other cities in other provinces because they did not have these municipal standards. So they made a decision that they would pollute their rivers, and they were allowed to do it. Basically, municipalities were buying an economic future and paying for it with their environmental integrity. That should not be allowed to happen.

MR. ACTING DEPUTY CHAIRMAN: Thank you.

Yolande Gagnon. I think we'll have to keep our questions and our answers concise, or we're going to have fewer questions.

7:20

MRS. GAGNON: I like the idea of a charter of social responsibilities along with a Charter of Rights and Freedoms. I think that would provide a balance and also would be a model for our young people as they're growing up.

You talk about recognizing municipalities in the Constitution. Are you talking about a consultative mechanism or more than that? Would you like a more formalized process?

MR. DUERR: Well, we would certainly like to be consulted, and that doesn't mean, by the way, consulting with every single municipality in Canada. Through the Federation of Canadian Municipalities we have a vehicle where we can provide input into these very important discussions. I think ultimately we feel that need to be consulted. I think ultimately we believe a very real need to be reflected in our Constitution as a legitimate level of government, not an institutional creation of the province. As the mayor of the city of Calgary, representing 700,000 people, I am elected by more people than the Premiers of two provinces in this country, and I am not necessarily unique in this country. That isn't reflected, I think, in the constitutional recognition of the importance of local government.

MR. ACTING DEPUTY CHAIRMAN: Fred Bradley.

MR. BRADLEY: Thank you, Mr. Chairman. I was interested in following up on your first exchange, with Mr. McInnis, regarding environmental standards. Alberta does have some pretty high standards, and you've alluded to the standards which Calgary has in terms of sewage treatment. If we did adopt national standards – and there are national standards adopted by the Canadian Council of Ministers of the Environment and drinking water guidelines and other areas, so there are some national standards set through a co-operative process with the ministers of the environment. If you were to transfer this responsibility to the federal government, there's not necessarily a guarantee that the standards which would be set by the federal government would be as high as the current standards in Alberta today. Would you be prepared to transfer that jurisdiction if in fact those resulting standards meant there would be lower standards than what we currently have in the province today?

MR. DUERR: Well, I certainly appreciate the concern, and I certainly have to acknowledge that I can be very proud of living in the province of Alberta, because our environmental standards and our responses have been better than most provinces in this country. I would see a system where we would have a strong set of federal guidelines with further enabling legislation that would allow the provinces to go beyond that, to enact tighter restrictions, or restrictions that I guess more appropriately responded to regional differences in this country. So, no, I would not want to divest ourselves of an ability to address problems effectively. That's why I said that even in provincial legislation I would like to have an opportunity, some enabling opportunity, to allow municipalities, if we felt it was appropriate to go beyond a provincial standard in a particular instance, to be able to do that.

MR. BRADLEY: I had another question related to the role of municipalities and how you see municipalities being represented at any constitutional discussions. Does every municipality have that right? How do you see this representation taking place?

MR. DUERR: In fact, the city of Calgary referred a motion from the city, which I asked council to put, to the Federation of Canadian Municipalities, asking the FCM to put in place a political mechanism that would allow us to participate in these discussions. I would see that occurring through the Federation of Canadian Municipalities.

To gie you an idea how this can work, I'd like to point out that when the city of Calgary had the discussions with the federal government on the goods and services tax – it's a very complex issue that affected all municipalities – the city of Calgary was the only city in Canada that knew what it was paying before and that could analyze what it was paying after. It was our technical people, our finance people and corporate resources people, that provided all of the background work for all of the negotiations for all the municipalities in Canada, working with an FCM committee, for the GST negotiations for municipalities. We were effective in getting our municipalities rate reduced to 3 percent from the 7 percent. The examples of how this can work are in place right now, but it would be through the federation; it wouldn't be the city of Calgary running there. We might be involved if the federation asked us to be involved, but it would be an FCM committee and probably a few representatives that would be at that table.

MR. ACTING DEPUTY CHAIRMAN: Thank you.
Bob, quickly.

MR. HAWKESWORTH: Thank you, Mr. Chairman, and I'd like to thank you, Mayor Duerr, for presenting your ideas from the city tonight. I'm just curious about the practicality of a constitutional amendment. What would it sort of look like, or how would it read? Would it say, "We recognize municipalities as a third order of government in Canada," and sort of leave it at that, or would it enumerate some powers? How do you see putting the words on paper? What might it look like?

MR. DUERR: I'm not a constitutional expert. First of all, I think I would voice the opinion of most of the mayors of cities in Canada that we would like to be acknowledged as a legitimate level of government. I think that's important if we're going to start talking about establishing roles and responsibilities. We feel very strongly that there is possibly some waste, some inefficiencies. When you look at something like welfare, you have a federal government that delivers certain things – social welfare – provides transfer payments, and has a whole bureaucracy to do that to the province, which provides certain things and has a bureaucracy to transfer money to municipalities, who then provide various things and establish a bureaucracy to give money out to community groups to actually deliver the service. We're saying that there must be a more effective way of addressing these issues. Other than basic transfers of money, maybe most of that should be handled in larger cities at the municipal level, and certainly for smaller urban centres the province would have to play a role. What we have to do first of all, though, is look at all these things that all three levels of government provide for citizens, all these services we provide.

I'm not asking for more powers for the municipality, by the way. Quite frankly, if the province decided that they wanted to take total control of the social service delivery system, I would say, do it. What I am saying is, more effectively, let's sit down and look at who can best deliver whatever program it is. You would find that the federal government very clearly is the most effective delivery system in certain instances, the province in others, and municipalities in others.

The next issue, then, would be to look at the whole issue of financing and how revenues are taken. Given these responsibilities and relative merits, how should those revenues be provided? At the municipal level we rely primarily on transfers and property taxes. Property taxing is probably the most regressive form of taxation, yet what happens is that we see an increasing take – and I appreciate the provincial problems; you know, the province is trying to come to grips with its budgetary problems – at the municipal level with a very regressive form of taxation. So because of reductions in provincial transfers in education, it has to be pulled out at the municipal level. Because of reduced grants and programs in other areas, we are taking more out at the municipal level. Add on top of that taxes like gasoline taxes, and we're in a situation where we get sort of a double whammy, where we get a reduction in one area . . . For instance, we pay gasoline taxes to the province, which is like a double taxation for the taxpayers because they pay their property taxes with net after-tax dollars, and then we in turn pay taxes for gasoline. Most of our gasoline is used by either police or transit, our basic essential public services, which someone has to provide.

Rather than complaining about these things all the time, I would really like to see a process whereby we could sit down at the table. It would be a complex process, and it's not going to happen overnight, but I think it could be very, very productive. I think it would be very forward looking. It would be saying that, you know, there are some significant changes in how things are happening and what public expectations are. That's not going to change. My biggest fear is that we're going to put a band-aid on a postindustrial revolution Constitution. We're going to put a band-aid on that, which in no way reflects the realities of the 1990s or the 21st century, what's happening internationally. That's my fear, and that's why I think we don't have all the answers. I don't have all the answers. But if we could at least be at that table, I think we could provide useful input.

MR. HAWKESWORTH: Could I ask one more, if I may, Mr. Chairman?

MR. DUERR: And I'll try and keep my answers really short.

MR. ACTING DEPUTY CHAIRMAN: In fairness to the other people that are here, we're going to have to have another forum. I might mention that although this particular week has been planned at 15-minute intervals, there's obviously topics and presentations that take longer than that. On June 6 we're meeting with the other panel to look at representations that have been made but also to look at the next step in our constitutional representations. I said "next step" because we're only taking this one step at a time, and this is not the end; we're sure of that. We may have to change formats. There are certain elements that will have to have a more in-depth discussion.

I hate to take the chairman's prerogative, I guess, of trying to keep us on the agenda as closely as we can possibly be. Sorry, Bob.

7:30

MR. DUERR: Mr. Chairman, thank you so much. Once again, I really appreciate what you're doing and the effort you're putting into this and look forward to ongoing involvement with your committee and any subsequent committees.

Thank you.

MR. ACTING DEPUTY CHAIRMAN: Thank you very much.

Our next presenter is Verna Crowther, please.

MS CROWTHER: Good evening. I'm pleased to meet everybody here. I am Verna Crowther. Mr. Chairman, committee members, ladies and gentlemen, I do appreciate the opportunity to be able to speak here tonight as a free citizen. I represent myself and myself alone. I need to say that I'm not a constitutional expert; I'm not a politician; I'm not an economist. But I am a very interested, concerned Canadian citizen, and I have taken a great deal of interest over the last several months, probing, investigating, reading, talking, leading discussion groups, doing as much as I possibly could as a private citizen to inform myself about the present issues and see what there might be that I could possibly contribute as a citizen. It is from that that I come here to you tonight.

Now, my statements here are based on several efforts to make those kinds of input. I have presented a brief to this joint commission. I have presented a brief to the committee in Ottawa. I have presented a brief to the Spicer commission. I also presented a second brief to the Spicer commission on the basis of a round table discussion group which I had chaired. So it is from those several texts that I am here condensing and extracting five pages of summarized material. Of course, I'm going to have a difficult time doing justice to any of it, and I will have a difficult time also getting through my material, so you probably will have to stop me. But I will do the best that I can.

Basically, what I'm trying to do here is look at some very practical – from a layman's point of view – suggestions, ideas, and proposals that concern the future of this nation, the future of Canada, the unity of this nation. Those are my concerns, and the points I make will be specifically designed to address them.

Number one is my personal belief is that the most important thing that we do need for the future of this nation is a very strong central government. I do believe that. I believe that you cannot administer a country this size without a strong central approach. I think we need to have a strong central government that includes policies standardizing things like education. I agree with the present government's current movement to nationalize and standardize education. I believe, for instance, it would unify by facilitating the flow of students across our province. If we no longer had the barriers of varying standards, it would be much easier for students to move easily from province to province, thereby having exposure to the different regions in this great land. We need strong central government policies to enforce, reinforce, and encourage national unity through a renewed spirit in patriotism and nationalism. That's something I do feel very strongly about.

I want to comment also that I've been aware of the survey done by Sheldon Chumir here in the last couple of weeks. I want to commend him for doing that, though he's not here tonight. He was here last week, and I thought he would be here tonight. I think his findings support what I'm saying, that not everybody here is in support of Getty's current policy, which is towards decentralization, that the majority of Albertans are in fact supporting strong central government. I just thought I would underscore that for him as well.

Number two, I would like to see a return – and I think we need a return – to an emphasis on free enterprise and a movement away from the social welfare state that we are presently very busy developing. I think we are headed for doom if we continue in the direction we're presently in. Part of that is the catering to special interest groups. I believe that's something that needs to be terminated. We need to address the total picture more fully. We need to be looking at what's best for the greater good of the majority, the greater good of the whole nation, and looking less at trying to please and pacify special interest groups. I feel that we can't afford to do that. I feel that it's also divisive, as is regionalism. We need an end also to the public's ever escalating demands for more services, which in turn create ever escalating income taxes that none of us really want to pay.

Number three, we need a well-informed, participating, responsible body of citizens. That sounds like a very general kind of thing, I know, but it's actually in my mind a very complex issue. It means a lot of things. It means that we need a change in attitude for one thing. It all ties in. My theme of centrality here you will find ties in throughout the whole body of my talk in that citizens need to take a broader picture. We need to start facilitating mechanisms whereby citizens become more interested, become more participating, and thereby start seeing the broader picture so that we get away from this me, me, me, gimme, gimme, gimme stuff that we're always seeing. Everybody wants what's good for them. If we're going to foster national unity, we can't do it on that basis. We've got to have people looking at the broader picture. We've got to have people looking a long way down the road, at the long term, not just the immediate, right now: give me what I need, and we'll all be happy and we'll give you our votes. That is not the purpose of creating a strong nation. A strong nation is built on this kind of knowledge, this kind of information, this kind of dedication and participation, not on me, me, me, and give me, give me, give me.

That's part of what I mean by a well-informed, participating, responsible body of citizens. It would be people willing to take the responsibility to meet some of their own needs, not always expecting it to be funded through government grants, government programs. I'm looking at more public-sector initiative, people taking responsibility as well to inform themselves, to find out what the issues are, to find out who's doing what in whatever, and to know who to vote for when the election comes up. Don't just vote for a name because somebody down the block mentioned it. We need to look at: what can I do for myself?

How can I make a contribution? What's best for the country? I'll be coming back to this idea as well, so I won't elaborate any further.

Number four, government restructuring. Of course, a lot of different ideas have come out lately in terms of restructuring. One of the ones that I've heard and read about recently that appeals to me is the Swiss system of initiative, referendum, and recall. I'm sure you're all familiar with that. I just feel that this would be something that would alleviate a lot of the complaints. I was here last week, and I heard a lot of speakers spend a lot of their time simply politician bashing, complaining, badmouthing, and that kind of thing. I think that rather than doing that, what we need to realize is that we need to provide mechanisms. The things that people are complaining most about are politicians who are not accountable, politicians who are not doing what their constituents want them to do. If we had a referendum, if we had a recall provision by which any politician who does not seem to be meeting the constituents' needs and wants can immediately be recalled and they do not have to wait until the next election, I think that would be a fairly good check in terms of calling the elected representatives to greater accountability. It would certainly enhance their credibility. I think it would also do away with public apathy, which is another problem we have in Canada because people feel helpless, people feel like they can't do anything. If citizens know they can have recall, referendum, initiative, which gives the opportunity to initiate legislation by citizens, they will then feel a stronger role in terms of participating. I think the apathy would diminish if we could have some of these mechanisms in place. The other thing these mechanisms would achieve is more power for the electors and an end to representatives focusing on self-interest and simply the worry about re-election. Basically, what it would do is really engender representative government.

How am I for time?

7:40

MR. POCOCK: Five minutes.

MS CROWTHER: Constitutional reform: of course, all of this is probably part of that, but specifically I would like to address first of all the amending formula. As we all learned from Meech Lake, the amending formula is not very successful. It doesn't work very well. It functions mainly to construct barriers and to stop anything from happening. I would like to see the amending formula changed from requiring consent by all provinces to requiring consent first of all from a majority within each province and then the majority of all the provinces. The implementation of initiative, referendum, and recall I would also like to see become part of the revised Constitution.

Central government having control over deficits is another major area I would like to see addressed. I really feel this is something that could be done. With the deficit situation we're all facing right now, obviously we need some stronger controls in terms of this kind of thing not being allowed to go on, not being allowed to happen again. We need it to be spelled out in the Constitution that there be a minimal allowable deficit or no deficit at all, and we need the central government to have control of this, to have the power to enforce it at provincial levels and at municipal levels. I know that sounds like a joke right now. You're all going to say, "The federal government's budget isn't balanced, so how are they are going to supervise and enforce everyone else's?" Well, I know that; they're failing right now. But that's what needs to change for the future. When eventually this is corrected, hoping it will be, we would prevent this from happening again by having these kinds of mechanisms in the Constitution so that henceforth, once the present situation is looked after, we would have a central government that would model that practice and enforce it. That would certainly be one way to hold in check these kinds of incidents that we have now.

I'd like to use the example of what's happening in Ontario right now with the Premier of Ontario, Bob Rae, being able to run up a deficit that's going to affect everybody here. It's going to affect the rest of the country. This is the biggest province in Canada. I don't think that should be allowed to happen. I think if you had strong central government control and you had in the Constitution that this is not going to be able to happen, another Premier would not be able to do this. That's something I would like to see checked.

We also need to provide opt-in, opt-out programs, which were discussed in the Alberta in a New Canada booklet that was put out by the commission. I think that's an excellent idea. There could be programs open to regions that would be controlled and administered by the federal government and opted into or out of by various provinces.

The other major thing I would like to see is the triple E Senate. I'm talking central here all the time, and I realize some of you are going to say, "Oh, yeah, but what about this region being overlooked?" Everybody is going to be jumping up and down about something they want. Well, I know that's going to happen, and I think that's where the triple E comes in: to be a check-back system and some degree of protection for the individual regions. I'm not saying they aren't going to have any needs that they have to look after.

Also, a major thing I'd like to see in the Constitution is a statement to the effect that no province vacating Confederation is going to receive any special privileges economically, politically, or socially. I will come back to this when I talk about the Quebec issue. Basically, my idea of this is that it would render it less feasible for any province to want to vacate Confederation. I think it would be good prevention in future.

Number six is economic changes, and number one under here is the removal of interprovincial trade barriers. I'm very much in favour. I'm very happy, absolutely delighted to see that finally somebody's talking about this, that the current government is looking at it. I hope they're going to do more than look at it. I hope they're going to do it. I think it's long overdue. That will go a long way towards providing unity in this country; oh, yes, it will. The whole concept of centrality and getting away from decentralization: the competition between provinces is divisive. I think when we remove major barriers like this, the provinces can start to work together more as a unified whole. Let's compete together against the rest of the world, not against each other. That is how we're going to achieve strength, and that is how we're going to achieve unity.

Okay; revision of the tax system is another biggie. It sounds like I've got all kinds of crazy ideas here, I'm sure: putting restrictions on all kinds of things like deficits, and now the tax system. But yes, I don't see why there can't be a ceiling on the amount of per annum allowable increase, and if there is to be an increase above that per annum allowable increase, there is then a referendum so that citizens have to approve that increase. I think this would create a stronger Canada. This would create confidence in the system and trust in our government.

Balanced budgets. Well, back to the same idea before: required at all levels, simply one of the economic changes. In number four, though, I would also like to see a stipulation that the GST will not be increased and that when the government pays the deficit down with the GST that they have imposed upon us, hoping they will, it will then be deleted, since that was what it was designed to do, and we can then get rid of it. This needs to be somewhere in the Constitution as well.

On official bilingualism, I would like to say that we need to delete bilingualism as an official national policy. Though certainly we do not delete bilingualism as something to be encouraged and upheld in our education system, as an official requirement on all the provinces it would be lifted. That could be left up to the individual provinces, because certainly there are provinces for whom bilingualism makes sense, such as New Brunswick. There are other provinces for whom bilingualism is just meaningless. It's costly and time consuming, and I think it's time to remove that.

Regarding Quebec, going back to what I stated previously, it should be in the Constitution that no province that departs is going to receive special consideration. I think this is what we need to take a clear stand on with Quebec. We need to simply make it more difficult for them to leave. I think once we do that, make it more difficult for them to leave and they know they're not going to have all their goodies and be on their own, they will choose to stay. I think also that we do need to give recognition to Quebec as a distinct society culturally, in terms of language. There's no reason we can't do that. But economically and politically, no special status there.

We cannot allow the things they are asking for most in the Bélanger-Campeau and Allaire reports, in which they are requesting jurisdiction over practically everything in 22 areas, I understand, from immigration on to whatever. This would create a state within a state. Now, if Quebec becomes a state within a state, what about the other nine provinces? Are they going to want the same powers? Are we all going to be little states within a state? Well, that's very divisive. I don't see any glue in that. I don't understand what would hold us all together. I don't think we can risk that happening, and that is why I say we cannot give in to Quebec on that one. It's not because I'm anti-Quebec; I'm pro-Canada. I think giving in to that would disintegrate the whole country. It would eventually disintegrate. You can't have states within states and have a team spirit. What we need is a team spirit here. We need to function together, not separately.

7:50

MR. ACTING DEPUTY CHAIRMAN: Verna, I'm sorry. I was listening so intently that I didn't realize the second bell rang. So you've . . .

MS CROWTHER: So I've had it, eh?

MR. ACTING DEPUTY CHAIRMAN: Yes, regretfully.

MS CROWTHER: Okay.

MR. ACTING DEPUTY CHAIRMAN: Are there any quick questions? I'll take two quick questions. Bob and Jack.

MR. HAWKESWORTH: Thank you, Mr. Chairman. Thank you for your comprehensive presentation this evening. I just want to ask you about this question of outlawing debt or outlawing deficit budgets. We had an experience here in Alberta in 1986, as you know, when the price of oil dropped down to about $10 or $11 per barrel. That year the Treasurer, Dick Johnston . . . Well, I don't know whether he was forced to. Anyway, the result was a budget deficit of $4 billion that year, which was 30 to 40 percent of our provincial budget. I know the objective you want to achieve, but would you acknowledge that from time to time governments face situations where deficits are unavoidable? Would you acknowledge that in some situations, some circumstances, deficits are incurred for legitimate reasons and basically are unavoidable?

MS CROWTHER: Yes. I think that's why I put in there a minimum allowable deficit. Ideally I would like to see no deficit. Realizing that that's probably very unrealistic, I said some minimal allowable amount. Now, as I said, I'm not a financial expert, I'm not an economist, so I would leave it to the experts to define a reasonable minimal allowable amount. Hopefully, minimal is possible.

MR. ADY: My question has to do with the referendum process you outlined. You indicated that you feel a simple majority on a referendum probably would be the way to go. I have to pose a question to you. Supposing there was a referendum called on removing the natural resource rights from each of the provinces, which would mean Alberta could lose theirs because central Canada decided they would like to have the revenue from our natural resources. Sixty-five percent of our population resides in Ontario and Quebec, and naturally I would assume that referendum would carry. Don't you see some danger in having a national referendum and giving that weight to central Canada? I think the regions would suffer dramatically under that process.

MS CROWTHER: Well, again, perhaps as one would do with the amendment, you'd have to have the majority in each province as well as the majority across the board. I think that would resolve that.

MR. ADY: But again, if you have a majority in each province and a majority across Canada, you still have the same thing, a majority of Canadians.

MS CROWTHER: Yes, but the individual regions have to have a majority as well.

MR. ADY: So essentially that's a veto.

MS CROWTHER: Yes, if there isn't a majority amongst regions, I suppose it would be.

MR. ADY: So if Alberta did not get a majority, then it wouldn't carry.

MS CROWTHER: Well, I don't know how you would define the parameters, whether it's one region or more than one region, but I think you could implement something whereby there is a check-back system for that. Whether it would be one region or a bloc of regions, whether it would be the west to the east or whatever, I think there would have to be something specifically defined in terms of alleviating that problem.

MR. ACTING DEPUTY CHAIRMAN: Thank you very much, Verna.

I might mention that anybody who is presenting or isn't able to tonight but has a brief, please give it our secretary. It will be shared with our other panel members as well as these panel members and read and gone through. So don't feel bad that you weren't able to speak to all of it. As I said, there will be a second step, and perhaps you'll be back.

Thank you very much for a very informative and comprehensive brief.

MS CROWTHER: Thank you.

MR. ACTING DEPUTY CHAIRMAN: Sandra Sabey.

MS SABEY: Good evening. Thank you for the opportunity of allowing me to appear before this board. My name is Sandra Sabey. I am the Alberta field worker for the Canadian Federation of Students, a national organization which represents over 420,000 postsecondary students from Victoria to St. John's, Newfoundland.

I was very happy to be asked to appear before this committee to present my concerns and tell you what my vision is for the province of Alberta in the years ahead. Obviously, my greatest concern is for the future of postsecondary education, and I must admit that I do not like the direction we are heading in right now. While the current government may proclaim that it is committed to postsecondary education, I can't disagree strongly enough that this does not appear to be the case.

This coming year students are going to be asked to pay more for their education, and the bottom line is that they will be getting less. Tuition fees are going to be increased at every institution across this province, and the quality of education students will receive is going to decrease. Students are going to go into debt to finance their education, and the remission for loans has all but disappeared. Capital grants again were not on a par with inflation, and postsecondary institutes have now been forced to cut programs, lay off staff, and reduce the hours of service. Again, classrooms are going to be overcrowded and exams in some courses will be marked by computers, but at least those students will be lucky because they will have been some of the few accepted into postsecondary institutions. When all the final figures are in, I think it will be interesting to see if we can top last year's record for the number of students turned away from postsecondary education institutions.

With these kinds of problems, it's hard to see how this government can claim to have education as one of its top priorities. Yes, education does cost a lot of money, but ignorance will cost us more in the long run. I know you all think this person sitting here doesn't understand that we are running a deficit just like the federal government is and we have to get this under control by cutting back. I would agree with that statement except that it seems we have money to hand out in the way of guaranteed loans and other grants. I wouldn't be able to state the exact amount of those loans, but I'm sure it is quite large.

While these loans and grants may help to diversify and strengthen our economy, we can advance only as far as our education will allow us. In a world of rapidly advancing technology, we are falling behind the eight ball. We still rely far too heavily on our natural resources to keep this province afloat. While we may like to believe that they will never run out, the truth of the matter is that they will. Though perhaps not in our lifetime, they are going to run out. This government has got to start planning with a long-term vision because we owe something to those who will remain in this world once we move on. This government has got to be willing to recognize that it's time to seriously question whether we as a province and a country are preparing ourselves to compete on a global basis. It's time to look beyond our nonrenewable resources and look at a way we can invest in the one and only real renewable resource this country has, our people. How far we go in the future will depend on how we train and educate those people to meet the demands of years to come.

This report, which was just released by the federal government, is called Employment in the Service Economy. This is an in-depth study of where we are going as a country, where we are going as a world in the 21st century. Their recommendations at the conclusion of this report read:

> The development of human resources contributes to competitiveness and employment growth, and it plays a significant part, as well, in achieving distributional objectives. While this has always been the case, a number of trends – including technological change, the information revolution, and intensifying global competition – are combining to make human-resource development more critical than ever before.

While every country must invest in all factors of production, including capital and technology, the achievement of a high return on these investments will require people with the skills and knowledge to exploit their potential. Increasingly, then, the performance of national economies is closely linked to the human factor. To put it simply, Canadians should not expect to improve or even maintain their standard of living unless as a nation they attach a high priority to the quality of the work force. Thus, effective education and training policies will be absolutely fundamental to Canada in the coming decades.

> Human-resource development must be a major priority for policymakers. Accordingly, industry, labour, educators, and governments must aggressively pursue a human-resource strategy that will emphasize, on the one hand, a broadly based education system and, on the other, an active, industry-based training system, with the primary focus to be on development of specific vocational skills.

This entire report is a strong message to me that postsecondary education has never been more of a priority, yet it will probably be shelved like a million other studies. We will all keep hoping a better time comes along when we'll be able to afford to consider some of the recommendations contained in it, but we at the Canadian Federation of Students feel we can't afford not to be looking at them now.

8:00

This country needs a national education plan, and if you are looking at a way to fund something of this nature, we can begin by raising corporate taxes. As it stands, Canada has one of the lowest corporate tax rates of any industrialized country. Japan is a primary example of a country with higher corporate taxes that still manages to remain competitive, along with Germany. We could also look at the 118,162 profitable corporations who did not pay income tax, although their profits totaled $25 million, excluding dividends, and that figure is from Stats Canada, 1987. A national education plan would be of far more effective use because students could transport their credits between provinces without having to repeat courses. If we are serious about wanting to save money in education, this would be a good place to consider starting. A national education plan would ensure that this entire country is ready to meet the 21st century head on, and every province will prosper as a result. Obviously, Alberta will benefit from this situation in many different aspects.

Let's stop marketing our natural resources as though there were no tomorrow, and market our people and their skills to every country in this world. Alberta has an incredible opportunity to be the leader of this crusade and to set the course for this entire country. If this government wants to make a mark for itself, why not champion the cause of postsecondary education? I guarantee this government will be remembered for many years to come as the one who helped to get this country back on track.

Time is running out, though, and if this government is willing to take the initiative, it has to be done soon. Let's bring students, administrators, staff, and government together at the table in a true consultative process and set the wheels in motion. Let's formulate a realistic plan for postsecondary education so we can guarantee that we as Albertans and as Canadians are ready for the 21st century and beyond. Let's do it now, and let's do it right. Tomorrow may be too late.

MR. ACTING DEPUTY CHAIRMAN: Thank you for your presentation. Just one factual thing. We don't get partisan politics within our panel. That isn't the purpose of all of us sitting as a select committee. But for Alberta as a province, although it is endowed with great natural resources, only 25 percent of our revenue comes from natural resources, whereas in 1985 it was 50 percent. So we aren't dependent, even with an expanded budget, on natural resources as we have been in the past. Just a factual point.

Yolande.

MRS. GAGNON: Thank you. In the area of a national education plan and what I call free trade in education – that means portability of certificates and degrees and so on – do you feel that what is now a shared responsibility in postsecondary education should become exclusively a federal responsibility? Do you think that would enhance this possibility of portability and so on?

MS SABEY: I definitely think that would enhance the portability of credits between one province and another. I think that within this country already the education ministers get together as a group to talk about education. I'm not saying that we eliminate the position of Minister of Advanced Education. I'm just saying that when all of them get together at the table, I think we should first be looking at a national education plan as the number one priority. I think it would be a lot more effective and efficient use of the money than we do have at this point in time for education.

MR. ACTING DEPUTY CHAIRMAN: Gary Severtson.

MR. SEVERTSON: Yes. Sandra, you alluded to the cost of education, but the government pays roughly 85 percent of a student's education now. What level do you feel is a proper level of funding?

MS SABEY: I don't think we can talk about a proper level of funding at this point in time just because of the fact that we're facing a deficit, which makes it very hard to start with some kind of base figure. I think the biggest thing that I'm concerned about is that I don't believe that corporations are paying their fair share of taxes into the system, and they are the people who will have the opportunity to benefit most out of this system by our education. The sad thing is, too, that corporations who decide that they will train people on the job are not training those people with minimal skills; they are taking those people who came there with a four-year postsecondary education degree and are training those people. So 75 percent of that corporation's money is investment in people who already have the necessary skills.

MR. SEVERTSON: Are you saying, then, that somewhere in the Constitution . . . How does the taxation of corporations fit in with the Constitution?

MS SABEY: How does it fit in with the Constitution? What I mean by the corporate taxation is that right now what we're doing as an education system is looking to the private sector to help fund some of the education system. At this point in time, if they're funding the education system through a direct donation to a postsecondary institution, the concern of the Canadian Federation of Students is that it also will help to narrow the scope of education. If we had corporations being taxed at a higher rate – and some of those profitable corporations aren't paying any taxes – and it were just put into an education fund, which would then be decided by the government, then we would have a far more equitable education system and would be able to help. I'm not saying totally eliminate the cost of education, but we have to decide how far we want to go up the scale. If we make education only for the privileged, only the privileged will have an education. I don't think those privileged few are going to be able to support a whole country that is living without an education and therefore living on a very minimal type of wage and a very minimal type of existence.

MR. ACTING DEPUTY CHAIRMAN: Thank you, then, Sandra. If you have your brief and wish to leave it, or if it isn't in final form, at any time just present one to Garry and we'll share it around. Thank you very much.

Our next presenter is Cliff Joynt.

MR. JOYNT: Well, Mr. Chairman, since the committee already has the brief, I'd just like to update it here with a few things.

MR. ACTING DEPUTY CHAIRMAN: Certainly.

MR. JOYNT: First of all the history of the brief. Why is it here? How did it get here? Why am I in possession of all this wisdom?

I'm reading here from a letter to my MP, Harvie Andre, on March 27, '91.

> Dear Mr. Minister:
>
> You know that for the purpose of national origin, ethnic origin, race – whatever one wants to call it – I define the word "Canadian" to be "a person born in Canada who uses the English language in the home". You also know that it is not my first definition; it went through a number of revisions. You also know that my fight to have the word "Canadian" legally defined and placed in the "ethnic origin" section of the census really began here, in Calgary, when, in response to a request from the Canadian Human Rights Commission, I, on April 18, 1983, in the Delta Bow Valley Inn, read to the Commission, a brief outlining the need for a legal description of the word "Canadian" and its inclusion in the ethnic origin question in the census.
>
> You also know that, after I read the brief, I made two brief oral representations; in one of them I pointed out to the Commission that that day was my first grandson's first birthday. You also know that I then asked the Commission to produce the evidence it had that proved my grandson to be "Irish." You also know the Chief Commissioner, Gordon Fairweather, then said;
>
> "We will now hear from the Gay Father's of Calgary."

I could comment on that remark, but I won't.

8:10

You also know that, once . . . Fairweather was out of the way, I re-opened the case with the new CC, Maxwell Yalden. You also know that the CHRC, once a hearing has been held, is

required, by law, to give a written response to the petition of the applicant. You also know that Yalden refused to do this. You also know that I applied to the Federal Court to have the Court issue a writ that would compel Yalden to do what he is required, by law, to do. You also know that, during the hearing, Yalden's counsel falsified testimony and that the judge, Muldoon F.C., threatened to hold me in contempt of his Court and put me in prison because I am a Canadian.
It happened.

> You also know that I appeared before Alberta's Committee on Tolerance and Understanding; submitted a brief to the former Senate Committee on the Constitution (I was arguing the case before the CHRC), have written letters to the Governor-General, the Prime Minister, Cabinet Ministers, MPs, the Premier, his Cabinet Ministers, my own MLA, media and so on; have made submissions to the Spicer Forum and the present Committee on Constitutional reform.
>
> All of this energy and effort has been expended to achieve one goal; to have the word "Canadian" legally defined and placed in the "ethnic origin" section of the census . . .

This is underlined now:

> . . . because that is the only way in which the systematic discrimination being practiced by governments against Canadians can be ended.

For over eight years I've been trying to force the authorities to bring this business of language and race out of the closet, lay it on the table, and debate it in a sensible manner. All I've ever met with is silence, but the longer the silence goes on, the longer the assimilated white Canadians like me are excluded from participation in society.

In the book on South Africa called *Move Your Shadow*, the author wrote about their race classification board: "This spirit of grotesque self-parody is a sadistic farce." Here's what the reviewer wrote:

> Perhaps the greatest insult to human intelligence is the race classification board, an agency that can determine one's race regardless of birth.

June 4 is census day. Anybody that was born in Canada that doesn't put the word "Canadian" at the ethnic origin section is engaged in a grotesque self-parody, a sadistic farce, an insult to intelligence, because you're determining your race without reference to your birth.

Now, in 1971 the aborigines were 321,765 in population. There's now been a House of Commons committee struck; it's aborigine members. They now put the average population at 3.6 percent. That is 936,000. In 20 years this population grew by 614,235. It's impossible. No race in history ever had that high a birth rate. The population is expanding because they keep changing the definition of who's an aborigine. The Indian association of Canada defines an Indian as a person with Indian blood. Well, I just happen to have an ancestor that has some Indian blood, and I resent the guy that does that. So I want that practice stopped. I want it stopped. You know how I define the aborigine people; it's in my brief.

Now, in his column on May 25 in the *Globe and Mail* Thorsell argues that when this Queen leaves office, we should abolish the monarchy. We should have a home-born head of state. Now, here's what he writes about this head of state:

> But a Canadian monarch would be difficult to invent because the monarch must be somewhat representative of the population. Pierre Elliott Trudeau would have been a reasonable choice, born of a Francophone father and an Anglophone mother in Quebec, himself married to an Anglophone from British Columbia, with two children born on Christmas Day. But unlike Peter Lougheed, Pierre Trudeau lacks aborigine blood, and what about the heritage of our other visible minorities?

Now this is what Thorsell was saying: we're going to get a new head of state, but it has to be representative of the population. StatsCan identifies over 100 language groups in Canada; that means over 100 races. So what Thorsell was saying is that this new head of state is going to have to have some of all of these 100 bloods in him or her and presumably be fluent in the 100 languages. Well, I can give you a written guarantee that there's nobody like that in Canada anywhere. What is really ominous about the thing is predetermining the occupant of the office by blood. That's Nazi Germany all over again.

I think that's about all I wanted to bring the committee up to date on, because you have the brief and you know what's in it. If there are any questions, I'll answer them. If not, well . . .

MR. ACTING DEPUTY CHAIRMAN: Thank you very much.

MR. JOYNT: Well, then I assume no questions means acquiesence, and all my recommendations will appear in your final report.

MR. ACTING DEPUTY CHAIRMAN: I haven't any idea. We'll deliberate on all the presentations that have been made. You've given us a copy of your update, have you?

MR. JOYNT: Well, you're supposed to have it. You don't have it?

MR. ACTING DEPUTY CHAIRMAN: The secretary has it, yes.

MR. JOYNT: Oh, well; here I'd thought you'd read it.

MR. ACTING DEPUTY CHAIRMAN: Thank you very much.

MR. JOYNT: Okay. Thank you.

MR. ACTING DEPUTY CHAIRMAN: Thank you.

Our next presenter is Chima Nkemdirin. I'm not sure if I slayed that name or not. He's accompanied by Suzanne Hathaway. Welcome.

MR. NKEMDIRIN: Thank you very much. We are representing the University of Calgary Liberal Association, and we've chosen to split our presentation into roughly five minutes each. Suzanne will begin.

MISS HATHAWAY: If one thing has become apparent over the past year, it's the fact that change is imminent in Canada's future. While we have been tinkering with Canadian federalism for over the past 124 years, the time has come for a major overhaul. Before constitutional change can occur, there must be a desire on behalf of the people and a commitment on behalf of the politicians to make these changes work to the benefit of all.

After listening to the testimony of concerned university students, it seems that the biggest problem we are confronted with is defining what we are and what we want to be as a country. For too long we've been defining Canada for what it is not. This must change. We are a rich and diverse nation, which we must be proud of. It's time to start putting Canada first. It has been said that Canada is an experiment in multiculturalism, coexistence, and tolerance. We have no role model to look to for guidance. We are pioneers traveling through an unchartered frontier, and if we succeed, we will become a model to which others aspire. We should be proud of our diversity.

For years we have been surrounded by the rhetoric of "unity and diversity," but it's time to start believing in this. It's time to start taking advantage of the different perspectives and new ideas that the multitude of minorities who have chosen Canada as their home have brought with them. Innovation not only adds to our cultural richness but is important for economic growth. In a time when technology is constantly changing and competition in the world market is increasingly intense, different perspectives and approaches can only be advantageous.

8:20

There's also the importance of stability of the Canadian state in the economic sphere. Canada and her provinces are very vulnerable to world speculation. One stable nation evokes much more confidence in foreign investors than 10 unstable provinces tearing a country apart. It is also time for the provinces, the federal government, and the people to start working together like a family. The continuous bickering amongst politicians must stop before any problems, constitutional or otherwise, can be resolved. Co-operation rather than confrontation between the provinces themselves and between the provinces and the federal government is desirable and most essential. Unfortunately, during the Meech Lake negotiations the provinces acted like greedy children, thinking only of themselves, not the welfare of the whole country, always willing to take from the country whatever they could get but not really willing to put anything back into it to make Canada stronger. If this trend continues, Canada will be nothing but an empty shell. We're not prepared to stand by and watch this happen. Have provinces such as Ontario and Alberta have a responsibility to the Canadian family to take a leading role, putting more back into Canada, and helping the have-not provinces without complaining that they're getting used or taken advantage of.

We also recognize that regional interests are different and must not be ignored. Hence, it is imperative that federal institutions be more reflective of and responsive to the diverse nature of the Canadian people and the provinces. We need a government that understands that a project that might be successful in Ontario may not work in Newfoundland. One way this may be achieved is to change federal institutions such as the Senate so that the central government is more in touch with the regions and their concerns. Again, it's time to be Canadian first.

MR. NKEMDIRIN: In our report we outlined nine recommendations that we felt would improve our current system of government. I'm not going to go over those recommendations one by one since the committee, hopefully, has already read our report. I'll try to explain why we felt the recommendations that were made were good ones. I'll begin by addressing the centralization/decentralization question. Then I will address the ongoing dispute over the jurisdiction of powers between the two levels of government. Finally, I will address the special concerns of Quebeckers and native people.

It's become quite clear that the current provincial government is a strong advocate of a decentralized federal government. As might be expected, we as Liberals strongly disagree with this approach. Let's look at what's happened in history. Our neighbours to the south realized quite quickly that a loose confederation of states wasn't going to work. The Germans came up with the same conclusion over years of fighting. It looks like the Yugoslavian confederation might end in a civil war. Decentralization would result in a country more divided than it already is. Standards in education and the environment, issues which Canadians put a high priority on, differ from province to province. How is it possible that in this country there are more barriers to trade between provinces than there are with the United States? In a world that's forming larger and larger trading blocs, it does not make sense to create 10 little kingdoms. We put it to you that we need a central government to set national standards in those areas where there is a national concern, but we do agree that the current structure of the central government needs an overhaul. Instead of farming out powers from the centre to the provinces, why not decentralize the decision-making process at the centre?

We believe that Senate reform is an ideal solution to these problems. Now, we don't see Senate reform as a panacea to all those problems, but it is a step in the right direction. Decisions made by the government would be forced to take into account the concerns of the regions. We believe that Canadians are sick and tired of the squabbling over jurisdictional authority between the two levels of government. Often these disputes do not involve logic but mere attempts to grab power. We believe we have designed a relatively simple way to solve these battles. We suggest a referendum when a level of government wants powers occupied by another level of government. If the provinces have a compelling reason why they should control, let's say, the environment, let's put it to the people. If the federal government has a compelling reason why they should control education, let's put it to the people. After all, this is supposed to be a democracy.

I guess the most pressing problem is that of possible Quebec independence. We at the University of Calgary Liberal Association have advocated what would be clearly unacceptable to the government of Quebec, but let's remember, however, that the decision rests with the Quebec people, not with their government. Let's look at what the Quebec people need as opposed to what their government wants. Quebec is a unique part of North American culture. They have thrived while other French settlements in North America have not. Only in Canada could this happen. I say to you that the Quebec people have a legitimate right to demand and receive more control in the areas that affect language, culture, and the civil law system. Please note that I said the Quebec people, not necessarily their government. Our proposal would give Quebec Senators a significant say in those matters that affect culture, language, and the civil law system. Those Senators would be making those decisions in the national institution.

Finally, I'd like to address the situation facing Canada's aboriginal people. As far as our club is concerned, the first Canadians have been shafted, and all of us who came here later on bear an enormous responsibility for their problems. We'd recommend that the Indian Act be replaced. Now, the provincial Legislatures have no control over that, but it would be nice if they advocated that. The Act has a paternalistic attitude and is the cause of a lot of the problems. Mainstream society has taken the attitude "We know best." Instead, let's help the aboriginal people by helping them help themselves. Both levels of government must be prepared to give the aboriginal Canadians what is rightly theirs. This is one instance where cost should not be a decisive factor. We have heard often from our politicians that the native community is divided among themselves and nothing can be done until they're united. This, as far as we're concerned, is an unacceptable excuse. Governments must start talking to the individuals in these communities and find out what they want and then take action to resolve these problems.

In closing, I would just like to comment on Mr. Getty's assertion that he's an Albertan first. As far as we're concerned, we're Canadians first.

I'm not sure how many young people you've had here presenting their ideas to you, but we thank you for the opportunity to do so.

MR. ACTING DEPUTY CHAIRMAN: Thank you very much. John.

MR. McINNIS: Chima and Suzanne, thank you for your presentation. I was intrigued by the suggestion about using a referendum to decide when jurisdiction would be traded between the national government and the provinces. The example you gave was about the provinces taking authority over the environment from the federal government. There is in Alberta a certain amount of paranoia about the jurisdiction over our energy resources being taken away, and it's one of the reasons that in the 1980 round of constitutional changes a new section was put in saying you can't ever take away a province's resources without their consent. Do you support that provision, or do you see a referendum being used to remove provincial control over resource jurisdiction?

MR. NKEMDIRIN: As far as we're concerned, we support the right of the provinces to have control of their natural resources, but the environment is something that not only affects people of Alberta; it also affects the people of the other provinces. Take, for instance, the pulp mills and so forth. Now, if a river is, let's say, polluted in British Columbia and it flows into Alberta where people have to use it as drinking water, then there's a question of who should have the final say on whether or not that mill gets developed. The province of British Columbia might say, "Well, we need the jobs," and the province of Alberta might say, "Well, yeah, but our people have to drink the water."

MR. McINNIS: I agree with you on that, but my question was about the transfer of powers. You used the example of a power going from the federal government down to the provinces by way of referendum. Do you agree that it could go the other way, from the provinces to the federal government?

MR. NKEMDIRIN: Yes.

MR. McINNIS: That might apply to our resources as well?

MR. NKEMDIRIN: Yes.

MR. McINNIS: Okay. In the submission you didn't mention it, but there was also a suggestion about a reformed Senate, that you didn't want to see political party representation in the Senate.

MR. NKEMDIRIN: Yeah. We wanted to see that the representatives be representatives of the provinces.

MR. McINNIS: Chosen how?

MR. NKEMDIRIN: Chosen by election. I think we proposed that each province have eight Senators. I've forgotten.

8:30

MR. McINNIS: The difficulty I see with that is that if you don't have political parties running campaigns, you have individuals who have to raise enormous amounts of money to run a provincewide election. We don't have very much experience with it, but in the United States you can spend upwards of $10 million to get a party nomination. If you don't have any parties, you go right into a campaign where you spend millions of dollars. How do ordinary people get to run in election campaigns without political parties to back them? If you're not independently wealthy, I don't see how you get big bucks like that.

MISS HATHAWAY: I don't think it's so much that we don't want to see the political parties involved. It's more a question of party Whips. We'd prefer to see the people more responsive to the people, as opposed to toeing the party line.

MR. McINNIS: That makes sense to me, but how do you get elected if you're not part of a political party?

MISS HATHAWAY: I don't think it's written down that we don't want you to be a member of a party. I mean, I personally don't have a problem if you want to run with a party. That makes sense to me. It's just the fact of loosening party Whips. Right now in the House of Commons it's too tight; you toe the party line or you're out. We just don't want to see that happen in the Senate, if it's elected.

MR. McINNIS: Do you have any ideas on how you're going to accomplish that? Once somebody's elected to the Senate, they're a member of the party.

MISS HATHAWAY: But what we're saying is you could loosen party Whips and maybe have recall or something along those lines.

MR. ACTING DEPUTY CHAIRMAN: Jack Ady.

MR. ADY: Thank you. Suzanne, in your comments you indicated that one of the things we need to be looking at is that the have provinces need to be doing more to support the have-not provinces. I presume, in view of the forum here tonight, you're advocating that should be in some way entrenched in the Constitution. I guess I have to ask you the question: pertaining to Alberta – because you did list Alberta and Ontario as two of the have provinces, Alberta having been a net contributor of some $148 billion from 1962 to 1988 into Confederation more than they took out, a net contributor – are you advocating that Alberta is not doing enough and they should do more in the way of supplying more funds into Confederation? What were you really getting at there?

MISS HATHAWAY: I think what I was mainly getting at is the fact that, yes, we are doing this, but we're also saying: "You're taking advantage of us. You're using us. You're leaving us out of Confederation. You just want our money." It's the whole idea of a country being a family that I think I was trying to get across. I'm not saying that we haven't done our part. I'm saying that we've done it begrudgingly and maybe it's time to stop begrudging something. I think Alberta's been so successful because it has been in the context of Canada, and I don't think we should begrudge that.

MR. ACTING DEPUTY CHAIRMAN: Yolande.

MRS. GAGNON: Thank you. I have three questions on the idea of referenda. First of all, if a decision is reached by referendum, how long would that decision be in effect? Because sometimes trends come and go. I'll ask all three – I don't want to take up a lot of time – and then you can answer all three. So the term in which a decision would be in place: would you say that that's it for five years and that in five years we can review this particular issue through another referendum maybe?

Secondly, what if you had a national referendum but all the provinces had not voted in favour of the final decision? Would that override a provincial decision?

Thirdly, sometimes what is called the initiative to get a referendum going is brought about through a petition, and a certain number of citizens have to sign the petition. I've heard that the experience in California indicates that just getting the petition or the initiative in place can be more expensive than the actual referendum. How would you respond to those three issues?

MISS HATHAWAY: This was a really hotly debated topic. I think I'll let Chima handle it, because he was on the side that got it in there.

MR. NKEMDIRIN: Oh, thank you. First of all, we said that it would take 10 years for a referendum on the same issue to occur again, basically because of the costs involved. On the question of if a province votes no, we adopted the current formula that's used for the Constitution: over 50 percent of the entire population in seven out of the 10 provinces. And then your other question . . .

MRS. GAGNON: The cost of the initiative to get one going is sometimes just as costly as the actual election.

MR. NKEMDIRIN: We advocated that if the federal government wanted to call a referendum for a transfer of powers, they could do it. I guess they'd have to pass an Act of Parliament saying, "We want to do this."

MRS. GAGNON: So it wouldn't be up to citizens to do it through petitions.

MR. NKEMDIRIN: No, it wouldn't be up to citizens. The idea was that the government would have to go to the people and say, "This is why we want to do this," instead of arguing all the time amongst themselves that they can't do what they want to do. This way the people would have the say on who gets what.

MRS. GAGNON: Okay. Thank you.

MR. ACTING DEPUTY CHAIRMAN: Thank you, Suzanne and Chima, for a well-thought-out presentation.

Our next presenter is David Mitchell. Welcome.

MR. MITCHELL: Thank you. I appreciate the opportunity to be here, and I must say, looking around at this hour of evening, how often we neglect to remember the time that elected people put in on our behalf, one of many nights I'm sure.

MR. ACTING DEPUTY CHAIRMAN: Thank you.

MR. MITCHELL: I appreciate the chance to make these brief remarks. My name is Dave Mitchell. They are remarks made only on my own behalf as an interested citizen, and they will deal, with some restraint, only with constitutional matters, although hearing some of the presentations earlier, it's a great temptation to tear up the script and engage in dialogue, which might indeed be more interesting. But I'll stay with the script.

Basically, Canada is a great country. Yes, we've not done as well as we should have in some ways, but my fundamental belief is that most Canadians want to improve what we have, not tear this country apart. Canada needs change, not destruction. We have to determine what is needed and how to achieve it. Winners tend to be those who expect to win, and the national obsession of Canada of assuming that Canadian unity is a lost cause just has to be changed to a time of wanting to understand, to know more about each other. Canadians are winners when they make up their minds. That is not to say that we should be satisfied. Canada now certainly is not the same as Canada in 1867, and our Confederation that year is not the one that needs to stay in its form forever. But we do need to develop a vastly larger community of Canadians who know more about the unity problems we face and care much more about keeping our country together.

To those Canadians who would shake a political finger at Quebec and end the country with nothing more than a shrug, I ask this question: what Canada or Canadas do we want? One in which one large central province represents one-half of what is left and western Canada is a potpourri of fragmented, widely differing political philosophies, or a modification of what we have now? To those in Quebec who would say, "Farewell; we feel insulted about Meech Lake," I ask this: do you really believe Quebec's future economic progress, stability, and security would be as great alone as it would be as part of Canada, and is? How strange that this land with its life-style and accomplishments should be so casual about its potential demise as a leading country of the world. Literally millions of people would come here in a flash if they had a chance to move in. Others in the world, who view Canadian investments with increasing concern – and this is real – because of our internal debate are incredulous that we could consider committing ourselves to the path of national destruction. They foresee, probably with good insight, political instability, fewer jobs, international money market problems, decreased opportunity, and a lower standard of living: a country which could have a bright future if we deal with our problems and a country that could throw it all away.

You may have noticed in the paper recently that a Russian visitor hearing of our problems with unity and money said, "I wish that I had your problems." Well, we certainly have major problems to solve, and indeed one of the fundamentals grinding at us is the abysmal way this country's economy is performing. Economic difficulties did not develop overnight. It took many years of overspending – and, I must say, most of it before the present federal government came to power – and living beyond our means. Simply stated, we are paying the price now for having spent this year's wealth many years ago while wildly borrowing and spending on programs and policies we could not afford. Of course, it's taking quite a few years to pay the piper, but breaking Canada apart would only make the recovery much more painful and longer, and those that look to breakup as a solution to the country's economic problems I suggest are looking exactly in the opposite direction.

8:40

Along with fiscal mismanagement the country has had some unrealistic, aggravating, and sometimes quite unfair policies. Official forced national bilingualism is a notable example. The problem is not with the objective, which is worthy, but rather with the horrendously impractical waste of talent and money to try and reach the objective the wrong way too quickly. It is time we came to our senses on this one, but separating into two or three Canadas is not necessary to bring about a more provincially-oriented language policy. Hopefully in another generation or two we could even become multilingual Canadians, with the advantages that would offer in our global relationships. Meantime, though, as we bring along the young people and these abilities, let the provinces utilize language jurisdiction and give Canadians with language abilities other than French equal opportunity within each province.

More power can and should be delegated to the provinces or shared between federal and provincial governments without complex overlap of responsibilities. Quebec wants changes; so do the other provinces. We're not likely to survive as a nation without change. Change should not mean, however, an emasculated central government limited to issuing postage stamps and carrying out military decisions, if we have any military left. A federal form of government requires federal powers. I believe that most Canadians understand and support the concept of Quebec retaining its cultural identity and langauge within Quebec. This unique province and its special identity add very much to our country. But beyond that, each of the other provinces would expect to be treated fairly, with equal opportunity for its people. One Canada, yes, but not at any price.

Senate reform, sovereignty association, and other terminology commonly used in this great debate all I believe need much clearer definitions and understanding. I sometimes think we have debates with different views in mind as to what's meant. Although I favour a Senate with more equal regional representation, I suggest the country should have only one lawmaking body: the Parliament. The rights and obligations of a second body, now called the Senate, should be limited to maximum time delay of proposed legislation, hopefully for sober second thought, and to rejection or veto of specific matters such as removal of provincial resource rights.

I favour provincial application of bilingualism. It is ridiculous to have a unilingually signed French Quebec and the rest of Canada trying to be bilingual. An elected Senate with representation approximately equal for Ontario, Quebec, the western provinces, and the Atlantic provinces. However, the Senate, as mentioned, should have narrowly defined powers of veto and strictly limited powers to delay passage of legislation. A Parliament where the party line need not be so rigorously followed or defeat of a nonmonetary government Bill need not be deemed as a vote of nonconfidence. Regional aspirations might then have more hope of being readily addressed in a parliamentary forum. And of course, as mentioned, all provinces having approximately the same rights and powers.

I must say I favour the ongoing dialogue now being fostered by the excellent leadership of the Rt. Hon. Joe Clark. We need more of this, much more. The year or whatever that's ahead will be fully occupied. We need people much better informed. We need them focusing attention on what we stand to lose and the nature of the nonemotional challenges. For example, the simple statement, federal/provincial division of powers – why, when a degree of understanding and development of those is needed?

I would like to say that I feel there is real danger in national referenda. I think there are hazards with that, and it should be only a very, very last resort. A constituent assembly: perhaps, if all else fails. But again we have to address who's in it and how does it work, and therefore I suggest it, too, comes near the very last of our hopes for a solution. I'd urge, Mr. Chairman, more clear positive statements by political persons at all levels of government but especially those in senior positions in the provincial and federal governments. I think in the federal government particularly we need to hear from the cabinet, who should be speaking clearly, loudly, and often about this country, its challenges, and the opportunities to meld an even greater nation.

This, then, is a time more for reason than emotion, and I'm concerned that emotion can very well be the thing that seems to cause the decisions to be made. It's a time for Canadians to have leadership in creating and developing ways that will make the country work as a whole. Clearly there will be changes one way or the other. I pray they will be in the direction of improvement and not destruction.

I thank you.

MR. ACTING DEPUTY CHAIRMAN: Thank you, David. Fred Bradley, and then John.

MR. BRADLEY: Thank you, Mr. Mitchell, for your presentation. In it you alluded that you felt there should be more powers delegated to the provincial government, and you suggested that also in areas of shared jurisdiction they shouldn't have any complex overlap. Do you have any suggestions as to what areas you would like to see delegated to the provinces or areas where there's shared jurisdiction where we should eliminate complex overlap or duplication?

MR. MITCHELL: As a matter of fact, some of us are spending quite a few Saturdays and other times trying to be able to respond to that question with a much greater degree of knowledge. I think I would point out by way of an example, and not the most important one, that if you look in the area of environment, there is so much confusion as to who is in charge of what and how it works. Some would argue that's the fault of the courts, but I would note the courts have to follow the laws of the land too. We really have to work this out and can work it out, I believe, in the constitutional process.

The area of education is a very tricky and delicate one because we all know the split, particularly on postsecondary education, really is going to have to have a large federal component if we are going to use a large amount of federal money. These things, though, should be looked at from where they are now and led towards something that can be a big improvement.

There are some things that are, I believe, what the native population would call "sacred ground," and in that area we need to be very clear indeed that natural resources are provincial rights. We've had them stolen before indirectly, and to have them stolen even by components in the future would perhaps lead to yet another form of disintegration.

I hope my question is one that I could respond to much better as we get a few more months of work on it. Some of these things are so easy to wave a hand at, but they're very complex.

MR. BRADLEY: Just one supplementary in another area. You mentioned in terms of a reformed Senate that it should have "narrowly defined powers of veto." Could you elaborate on where you would give a Senate veto power?

MR. MITCHELL: Well, I certainly think that when a province is going to remove a right that is believed to be established – and again I must say the provincial resource rights. I think there cannot be anything done by Parliament that removes those, and if we have equal representation in a Senate, that they would look very hard at anything that takes away from fundamental provincial rights and have right of overturning that parliamentary decision. It's one that requires a balance and a representation to achieve it well.

MR. ACTING DEPUTY CHAIRMAN: John McInnis.

MR. McINNIS: David, I notice and I'd like to congratulate you on your Order of Canada pin. You're a member of the Order of Canada, aren't you? Is that right?

8:50

MR. MITCHELL: Yes, I am.

MR. McINNIS: Congratulations. I understand your point about the overlapping jurisdictions, wanting to straighten all that out, but it seems to me that one of the basic questions we have to wrestle with is the overall direction or flow in our country. In my adult lifetime most of the time we've been trying to keep Quebec in Canada, and that usually involves more powers to Quebec. The other provinces insist, as I think you did, that all provinces have to be equal. So if there's to be a transfer of authority, it goes everywhere across the board. What I see over the last 20 years has been a very gradual decentralization of authority from the national government to the provinces. Where we are today – do you think that trend should continue, or would you like to see us think more about a strong central government in our country?

MR. MITCHELL: Oh, definitely a strong central government. I would call a halt, but I think we have to have the provinces basically equal when we call that halt. The present attempts by Quebec, as we've all heard and are aware of, simply could not be applied and have a country, I don't think.

MR. McINNIS: So all provinces equal, but you don't see more decentralization as the answer.

MR. MITCHELL: No. I see very little more decentralization. I think we need a strong central government; without it we don't have a country. I think our problem, in effect, is that we had it wafted away or a tendency to think of parting with it on the basis of a single province. It has to halt.

MR. McINNIS: Thank you.

MR. ACTING DEPUTY CHAIRMAN: Thank you.
Bob Hawkesworth.

MR. HAWKESWORTH: Thank you, Mr. Chairman. Thank you, Mr. Mitchell. I'm glad you stuck to your script. I've appreciated your comments this evening.

MR. MITCHELL: I'll lobby on taxes later.

MR. HAWKESWORTH: I agree with you; I think we often don't speak up about the successes of our country and we tend to be a bit more introspective about our problems than sometimes we ought to be. I'd just like to ask you to clarify, if you would for me, your comments about bilingualism. You felt that we needed more provincially aligned language policies, I think, if I understood you, and then later on made some comment about what we want or what's needed as provincial bilingualism. I'm just wondering: should we let the provinces decide language policy and forget sort of national objectives – if Quebec decides French only, that's okay, and if Alberta decides English only, that's okay – or are you talking about something else, where both Alberta and Quebec should maybe be officially bilingual in respect of minority rights?

MR. MITCHELL: No, I'm very much the former. I think that unilingual Anglophones have been denied equal opportunity in the federal civil service. In fact, in discussions in confidence with some members of various segments of the federal government, I think that is very much the impression I've gained. It strikes me as odd, for example, that it's tremendously important that they speak French in Vancouver when Chinese might be more useful, to be practical. I don't think that we should be moving as fast. I again state that the objective is worthy, and I hope we get there.

Now, I would love to see us bilingual and multilingual. I use the term "multilingual" to get away from the term "bilingual," because immediately people think of French and English. I believe globally we need more languages. The present thrust is part, I think, of the emotion of the west, and this is what's on my mind. I used that expression several times. You know, in this province – you'll forgive my referring to another provincial party – for years no one ever voted Social Credit, but somehow they got in every time. Albertans go around and many people go around thinking a lot of things, and they don't say them aloud. To say anything against bilingualism is a nasty thing to do, but they think a lot about it, and I think that is being recognized by some of the political parties that are now out there on the federal scene.

So what I'd like to see is a reduction of the emotion and let it work its way through. I'd love to see everyone in Alberta bilingual and multilingual. Give us a generation or two, and let it move along, take the heat off. We've got to take the heat off some of the emotion so we can get to the practical matters. How in the blazes, as Mr. Bradley is saying, are we going to divide these powers? I mean, there are some mighty big challenges out there, and what I'm afraid of is that the emotion is there and someone will push the referendum button and we'll make a decision based on whether Quebec thinks it's been rejected at Meech Lake or Albertans or somebody thinks that bilingualism is a rotten deal in western Canada. So I'd like to back off on some of the emotion of bilingualism.

MR. HAWKESWORTH: I would too. To some extent it may be impossible, because during the Meech Lake ratification process the whole country shifted, at least in English Canada, when the Quebec government invoked Bill 178 for the notwithstanding to overrule the Supreme Court on the matter of English signs. So I guess the question I'm raising with you is is the country ready for politicians to say to the provinces: "You have exclusive rights over language within your borders, and whatever the emotions might be, we'll just let you decide language policy within your province. If that's unilingual French, so be it; and if it's unilingual English, so be that"? I don't know. What do you think of just sort of leaving that totally in the hands of the provincial Legislatures?

MR. MITCHELL: Well, I'd offer some encouragement for multilingualism. I think the federal government can do that in educational programs and so on and make that part of the thrust. But I'd do it by the encouragement method rather than the discouragement of the nonbilingual citizen, and work that way. I had a talk with someone the other day about this, and they said, "Well, what about Ukrainian in Alberta?" I said, "It might not be bad."

I think when we have the people of Canada viewing Quebec as unilingual and the rest of the country trying to be bilingual, it's not getting us there. The last poll I saw – if anyone can believe a poll; I'm not sure you can. I guess I'd better leave, or you guys are going to kick me away.

MR. HAWKESWORTH: No; I appreciate your coming.

MR. MITCHELL: In the last poll I saw, 62 percent of the people didn't believe in it in Quebec. They don't want it; they've not asked for it over there. Who are we doing this for? It's the federal government. The federal government had very worthy objectives, and I hope they get there, but would they back off? We've got a country in problems. If they want the westerners aggravated, that's one that'll grab their attention. It's there and it's grabbing below the surface.

MR. ACTING DEPUTY CHAIRMAN: One moment, David. Yolande says she just has a short one.

MRS. GAGNON: Yeah, just really quickly. I gather that your objection is more to the Official Languages Act, which deals with bilingualism in the civil service and so on, than it is with article 23 of the Charter, which guarantees Anglophones in Quebec English education and Francophones outside Quebec French education.

MR. MITCHELL: Personally, I don't have much argument with either one, but I think the way to get out of some of this anti-Quebec attitude in western Canada – and it is there – would be to look at the federal civil service aspect in particular.

MR. ACTING DEPUTY CHAIRMAN: Thank you, David. Always thoughtful.

MR. MITCHELL: Thank you. I appreciate the chance.

MR. ACTING DEPUTY CHAIRMAN: Our next presenter is Bert Brown: Mr. Triple E.

MR. BROWN: Mr. Chairman, I see I'm already over my time before I start, so if you wanted to have coffee, it would be all right with me. I think you're probably . . .

MR. ACTING DEPUTY CHAIRMAN: No, I think we'll do yours, Bert, and then we'll have a stretch. For the sake of the people who may want to make representations who don't have a brief or weren't on time, we'll just make a very quick stretch for those of us at the table, and then we'll get on to that. We won't have an official coffee break.

MR. BROWN: Thank you, Mr. Chairman, and thanks for the invitation to be here tonight. I did a very quick job of reducing the size of my presentation in light of the time factor. I'd be more than happy to provide a more detailed copy of it, but it may be a little choppy because I've tried to reduce it, as I say, because of the time factor. I think we provided your group with a brief letter introducing the principle of three equalities that we would like to see a new Canadian Confederation founded on.

These three principles for a renewed Confederation we believe should be the equality of all citizens regardless of their race, creed, religion, or sex. We think this can take place in a reformed House of Commons designed to represent people, not partisan interests or privilege, not patronage by party connection.

The second equality that we think we need is the equality of all the partners in Confederation, regardless of their geographic size, their resources, their population, or the lack of any of these. This can take place in a reformed upper Chamber where all the Senators are elected in equal numbers from each province by the residents of those same provinces, such Senators to retain essentially the same powers that the current Senate enjoys, with the unusual majority for breaking any potential deadlocks that may occur as proposed in our Blueprint for Senate Reform published in January of '91.

9:00

The third equality is the equality of the Charter languages with no preferential or special legislative protection for either. We believe that neither religions nor language choices can be or should be legislated in a free society. Protection for the French language and culture can be given in a reformed Senate through the use of a double majority. This is also explained in our presentation, called a Blueprint for Senate Reform, January 1991. It wasn't until a meeting with Mr. Jacques Parizeau a week ago tomorrow in this city that we came to realize just how fundamentally the people of Quebec and Mr. Parizeau's party are opposed to the official bilingualism Act, and he explained that in detail.

Mr. Chairman, we believe Canada is truly a democracy, but to become a great democracy, it must be founded on principles of equality which bring Canadians together, not divide them. We think there are three basic steps to bring that about. The first is solving the question of aboriginal sovereignty for native people. We think that when we get into this, it may turn out to be more a question of municipal and provincial sovereignty than one of federal sovereignty. The second step is to establish the equality of the provinces in a triple E Senate. The Confederation simply will not hold unless all of the provinces feel that they have at least one Chamber into which, when they enter, they enter a level playing field and they all have an equal chance to fight for a majority opinion. The last step is the recognition of Quebec's fears over language and culture. We just do not believe that this can be instituted in the Constitution of Canada as proposed in the Meech Lake accord. Eighty-five percent of Canadians were opposed to Meech Lake in the final instance, when it finally died, and we think it's clear that Canadians will not accept legislative restriction of the free choice of language in their Constitution. However, there are other ways, and that's what we propose in a double majority in a reformed Senate.

All of these steps we believe can be instituted through an elected constituent assembly. We propose an elected constituent assembly for the simple reason that party discipline and the extreme exercise of unchallenged, unquestioned party discipline we believe has become one of the most destructive forces in Canadian society, and that's what brought us to the Meech Lake accord in the first place.

It is my personal opinion that there exist in Quebec four pyramids of power and influence. They are the political elite, the academic elite, the business elite, and the media elite. They have all decided collectively to lead a Quebec nation, not a Quebec province. They represent a very small percentage of Quebec society, but the emotional climate of the times in the post Meech Lake period may allow them to have their way. They propose to create a language enclave, to the detriment of Quebec and to the detriment of its youth. It is the next generation of Quebec youth who will suffer the lost opportunities of not dealing on a global scale.

In terms of decentralization we feel it is useful where there is a duplication of services, where the central policies are not reactive to the individual needs and desires of provincial interests. Decentralization should not be carried to the point that it emasculates our country and leaves it without stature or influence on the world stage. At the same time as the provinces grab for more power, they should recognize that if they leave the federal government with no responsibilities save Canada Post, unless those provinces have a triple E Senate to protect their interests and give them an effective voice, the federal government will find a way to use 52 percent of all the money Canadians earn just to mail letters.

In conclusion, I think we are an incredibly privileged society in Canada. We are indulging in what amounts to our own unique version of the civil war. It's a war fought with words and ideas amidst incredible opulence and comfort. Only in this wonderful country can we enjoy such constitutional danger amid such creature comforts.

Thank you.

MR. ACTING DEPUTY CHAIRMAN: Thank you.

Yolande.

MRS. GAGNON: I don't want to hog the mike, but you've said a lot of things that I'm interested in and care a lot about. You worry about Quebec becoming a language enclave and, you know, the fact that young people there may not be able to compete because they won't know both languages. Why then would you believe Parizeau or have any sympathy for him? He is exactly the one that's against bilingualism and is leading the separatist forces. You know, later on you say these four elites don't speak for everyone. I would say neither does he. So how would you make your presentation more consistent between what you said about him – and I think you use that to support a vision of no bilingualism anywhere – and then you criticized these four elites who want this French enclave. I'm sorry; I didn't understand the thrust.

MR. BROWN: I don't believe I said that I or my committee were against official bilingualism. What I said was that Mr. Parizeau pointed out to ourselves just a week ago that the official policy of bilingualism, while it may be a nuisance to western Canadians in that some of them get irritated when they call up a federal government office and the first greeting is in French as opposed to English – that's a minor nuisance to us, and we may get emotional about it. As the previous presenter said, it lies below the surface. But in Quebec the reigns of two governments now, both the Parti Québécois government and the current Liberal government, have been exercising a great deal of pressure for francization of Quebec companies. In other words, they actually have a certificate of francization, I believe it's called. I know I'm mispronouncing it. What it amounts to is proof that these companies are doing the best they can to deal in French, and when you put that up against Bill C-72, where the federal government is coming into the same province and saying that you must show us that you are willing to and are able to and in fact are dealing in both languages, then you see how the Quebec people are beginning to perceive official bilingualism. I think official bilingualism – and as the previous speaker again said, multilingualism – is a very desirable thing for any country, but to legislate that, to force it through the legislation of the federal government, is an extremely bad policy.

MRS. GAGNON: Thank you.

MR. ACTING DEPUTY CHAIRMAN: Jack Ady.

MR. ADY: Thank you. Mr. Brown, I'm sure you would be disappointed if you didn't get at least one question on the triple E Senate concept. We hear a lot about it even today. Recently Mr. Clark has made a statement about it. We had a presentation by a federal Senator today; at least, he talked about it as part of his presentation. In view of the climate today of what's happening in Canada, what do you think the chances are of achieving the triple E Senate with all three E's as you perceive them?

9:10

MR. BROWN: I think they're better right now than they've ever been in the history of this country. I think Canada is in a good news/bad news scenario. The good news is Quebec isn't going to leave; the bad news is Quebec isn't going to leave. We've got to deal with that reality. The fact that Quebec is beginning to understand the economic impact of separation or of sovereignty will leave them ultimately with the realization that we have got to work out whatever it takes to keep this country unified. We see the triple E Senate as a bridge between the interests of the maritime provinces, the western provinces, and Quebec.

Again, a very surprising aspect of our meeting with Mr. Parizeau was that he had never heard of the double majority in a reformed Senate until we presented him with that fact last Saturday. He did not say that we had solved all of the problems between French Canada and English Canada, but he did say we had gone a long way towards demonstrating that we care about understanding the fear in which the French language and culture exists today in the modern world, as less than 20 percent of all the people in Canada speak French and less than 3 percent in North America. In a world where a billion people now deal and work and communicate in medicine and aviation and many other areas in English, the French are truly threatened.

So I see it as a bridge. I think that certainly in the climate right now it's not possible to achieve a triple E Senate, but when we've gone through all of the exercises of trying to satisfy the wishes and desires of the various provinces – the Atlantic provinces want to make sure that they have access to equalization transfer payments, western Canada wants an effective voice in the national decision-making process, and two of the provinces in the west are the two major contributors to those transfer payments. So there are alliances that can be built with the maritime provinces: their desire to keep some kind of centralized government, the west wanting to keep the country together but at the same time wanting to have an effective voice, and Quebec finally realizing that while they are a minority, there are other minorities in the country and their desires must be addressed too.

MR. ADY: I just have one quick supplementary. You talked about a lot of regions, but you really didn't address Ontario in this formula. They really are the big power brokers in Canada. Where are they in this triple E Senate process?

MR. BROWN: No one has more interest in keeping this country together than the province of Ontario. No one is a bigger loser than the largest manufacturing sector. We're the supplier of the raw materials and the supplier of the markets for the finished materials that they manufacture out of those. I think Ontario wants more than any other single province, I would have to say, to keep this country together. When they recognize that there are a lot of people in western Canada now that are prepared, if the country falls apart, if the divorce happens, that are even looking at the idea of building a country from just two provinces, Alberta and B.C., which have more natural resources and more wealth than any other two provinces in this country. When it sinks into Ontario that that's a very real possibility, then I think we'll all come to the table with reasonable demands.

MR. ACTING DEPUTY CHAIRMAN: Thank you.
John McInnis.

MR. McINNIS: Bert, I would like to thank you very much for your presentation. I learned some things from you. When I heard you describe how you learned from Jacques Parizeau about how the Péquistes opposed official bilingualism, how he learned from you about the double majority, it makes me think how important it is that we talk to each other in this country and how that worked out for you that maybe there's some hope for us after all. I learned a little from your presentation as well, because it seems to me that what you're saying is that the role of the triple E Senate is to strengthen our national government and make it more effective in dealing with all the regions of this country, and that's really the solution to the country rather than tearing apart the federal government and handing it out to the 10 provinces. Am I right?

MR. BROWN: You're absolutely right, and I guess that's why I keep going to meetings even though I've been at it for eight years now. I've been on two Senate reform task forces, and I've traveled this country I don't how many times from one end to the other. I've been in Quebec a number of times, but I never had really understood how Quebec feels about bilingualism until one week ago. So I guess it is really important for Canadians to talk to each other. It's easy to hold animosity and unfounded opinions of people from 2,000 or 3,000 miles away.

MR. McINNIS: Well, I want to thank you for coming to one more meeting, and I hope you keep going to them. Thanks.

MR. ACTING DEPUTY CHAIRMAN: Bob Hawkesworth.

MR. HAWKESWORTH: Thank you, Mr. Chairman. I wonder, Mr. Brown, would you outline maybe in a little more detail equality of the Charter language communities concept? I've heard you speak often about the triple E Senate. I'd just like you maybe to spend a bit of time expanding on that one. I'm not so familiar with what you're getting at.

MR. BROWN: Well, it's just a brief way of trying to explain that we feel that language choice has no place in federal legislation. This has been brought to bear on us by more than just western Canadians and their feelings that bilingualism is a nuisance for them. As I said, it came to us with a commonsense realization by Premier McKenna of New Brunswick, who I think was the first person I'd seen who tried to solve the problems of bilingualism in a commonsense fashion. If I understand Mr. McKenna's policy, it's not that in all essential services in New Brunswick everyone who works for the government be bilingual but that at least one person who is on duty of a staff of whatever numbers there may be is at least bilingual or there are always people that speak both languages on duty. You do not have a requirement that everyone who works for his department is bilingual but that those services always be available, if not from the first person you speak to when you come up to the counter but that there is someone on duty, present, who can speak either language. That is a commonsense solution, but that is not the policy of the federal government.

MR. HAWKESWORTH: Just further to that, is language choice, then, something that should be left exclusively under the jurisdiction of individual provinces, to determine what language policy within their jurisdiction should be?

MR. BROWN: Well, I think that's certainly what Quebec is saying, and I think that Canadians would just not be willing to accept constitutionalization of language choice in any province. So I see no other area for it to go than under provincial jurisdiction, but I think that the federal government, if this is to be a bilingual country and to have some meaning behind bilingualism, should have the right to promote bilingualism wherever it wants to but not to require it. I'm simply saying that it cannot be a matter of legislation. I don't think any government has the right to legislate a person's religion or their language. The only other country that I know of that I can find in the world that attempts to legislate language is Yugoslavia, and as far as I know Yugoslavia fell apart about 10 days ago. I think it's a very divisive thing when you start trying to legally tell people what language they must use, whether it's in Quebec or whether it's in western Canada.

MR. HAWKESWORTH: Thank you.

MR. ACTING DEPUTY CHAIRMAN: Thank you, Bert. Always insightful and dedicated to Canada.

That's the end of our predetermined agenda. We'll now take a couple of minutes to stretch. The committee's been at this since 8 o'clock this morning, and if you sit on your brain that long, it turns to mush.

[The committee adjourned from 9:19 p.m. to 9:31 p.m.]

MR. ACTING DEPUTY CHAIRMAN: As we mentioned, the next series of presenters are people that weren't able to get formal time slots. Again, in the interests of time, because it is 9:30 and after a while you may be talking but I'm not so sure that you're going to have a panel that's going to absorb all of your comments, we're going to cut the time down. We aren't giving 15 minutes on the unscheduled nor will there be questions from the panel. This is just an opportunity for people in the unscheduled part. This is the way we've carried on at all our other locations as well: you'll come, and we'll call at five minutes, which invariably stretches to seven or eight. We have six people on the list, so that means that probably it's going to be at least 10:30 before we're close to adjourning. It's with regrets that we can't be longer.

I might mention that tomorrow is a full day with the panel again, and there's an unscheduled part there as well if people are available and want to sit in or come to the unscheduled. Tomorrow is also, as I mentioned, ending our first stage. We may very well be back to Calgary for further hearings or another forum of input from people.

So we'll start with Mr. Ted Carruthers, and then George Waslen will be second. We'll again have the timer ding.

MR. CARRUTHERS: Thank you. I appreciate the opportunity to address the panel, and I express my regard for the tenacity of the panel. I come as an individual and certainly not as an expert in any aspect of the Constitution.

I believe a Constitution should be an enabling document, not a confining document. I believe the Constitution should permit each province of Canada the full opportunity to develop its economic opportunities as fully as possible in the context of one country. I think that to speak of social issues or social contract in the absence of economic development is folly, since without a strong and healthy economy social programs cannot be funded. Peters and Waterman in their book *In Search of Excellence* talk of simultaneous loose/tight principles, and I think that this concept applies to Canada and to our Constitution. Canada is a large and varied country with areas which have emerging economies and areas having more mature economies. These areas, or communities, should have firmly held core beliefs but be unencumbered in the way they implement these beliefs. Each region should be free to develop on its own.

Thus the Constitution should reflect the values of the nation while allowing the regions to develop individually and reflect the strengths of the region. For example, Alberta is a relatively young and immature economy. To a great degree it's a meritocracy where persons of intelligence and determination can prosper regardless of their ancestry or school affiliations. It's a more open society than is found in other parts of Canada. Nothing in the Constitution should impair the vigour which we find in Alberta or permit another region to confiscate opportunity or money on the basis of greater population. We must never again have a national energy program. Regionally strong economies should be allowed to flourish.

We are an overgoverned nation. The Constitution should be framed to limit the areas of overlap and conflict between levels of government. In that sense I favour decentralization. That said, there must be limits. I think it is outrageous that Ontario, particularly given its position, can implement a budget based on economic theories which have been largely discredited, with the potential to harm Alberta and the other provinces. The Constitution therefore should limit all governments' ability to spend no more than their income. We are in the financial mess that we are in because of overspending and excess consumption. This must be restrained by law, and by law I mean something that's above government and to which everyone is subject.

The Constitution should encourage institutional reform. Many of our national institutions have outlived their usefulness. Government has become too pervasive and is seen as a panacea. The Constitution therefore must reaffirm individual initiatives and rights and emphasize responsibilities to look after oneself, not abandon one's personal responsibilities to government. Collective or group rights should be de-emphasized while individual rights are emphasized. I'm concerned that people will abandon their personal responsibilities too easily. Therefore, regional representation in the Senate is critical, and I would therefore endorse a triple E or some variation.

In summary, I would endorse the recommendations found on pages 7 and 8 in the book Strengthening Canada under section C, Senate Organization, and under item 4, Other Recommendations.

Thank you.

MR. ACTING DEPUTY CHAIRMAN: Thank you, Mr. Carruthers.

Is George Waslen here? Thank you for your patience.

MR. WASLEN: I think I can maybe solve this whole situation of unity. Mr. Chairman, committee members, ladies and gentlemen, good evening. Like the papers said, "Let's hear from you," so . . .

Alberta in a New Canada, and what kind of a Canada would you like to see in the future? Well, I would like to see a Canada without Quebec. I really mean that. Why should Quebec have special status or a distinct society, anything you want to call it? All provinces should be equal. Canada can no longer afford Quebec. As long as Quebec is a province of Canada, we will have bilingualism. I can hardly pronounce it. We now have two official languages in Canada except in Quebec, where they have only one.

Bilingualism is costing the taxpayer too much money: labeling, translations, language services. I'm sick and tired of paying taxes for language training. It costs Ontario alone $11 million a year to provide a few French services in that province. I'm sure the money could be far better spent. Every year it costs the Canadian taxpayer $45 million in transfer payments to provide and promote official bilingualism, $102 million to provide translation for Parliament and federal departments. The Commissioner of Official Languages needs $13 million a year to act as a watchdog to make sure this stuff takes place, and another $9.3 million to develop and communicate official languages policies throughout federal departments. I wonder how much of that is spent on policing and promoting the English language. The public service commissioner needs $28.9 million to provide language training for public servants and to test bilingual capabilities of candidates to bilingual positions. We really need that. We are sure pretty stupid to put up with this type of nonsense. We here in Alberta sure don't need the cost of bilingualism. To show how ridiculous it is, the Northwest Territories have approximately 1,500 French-speaking people and 53,000 others. They have to translate their laws into French, and if it's not done, they are threatened by legal action. Now, isn't that unity? Well, it sure is.

9:41

And what about balance of payments and transfer payments? In 1988 Alberta paid about $1,688 more in taxes per capita than we got back in benefits, while Quebec got $304 per capita more in benefits than they paid. That means it cost Alberta residents $1,992 each more than Quebec to help support the rest of Canada. Let Quebec go; we don't need them. We can't afford them, and good riddance. Bilingualism has been tearing this country apart; it sure has not provided unity.

And what kinds of changes would I like to make now? I would have a tax revolt. Politicians don't listen to the people. Our tax freedom day used to be around April, May, June; now it's August. That is, all the money that I make from January to the end of July goes in one form of tax or another. They say I get to keep the rest, but there isn't much left.

Members of Parliament should be responsible to the people, the taxpayers, and not to the Prime Minister or to the party platform. Referenda must be held on major issues: unity, metric, GST, bilingualism, the RCMP dress code, and free trade. You can't rely on politicians to make those decisions. They ruin the whole damn country.

With regard to immigration and refugees, I'm sick of paying for language training for hundreds of thousands of immigrants. Who paid for training for those who immigrated here in the 1900s? Also, anyone who immigrates and gets into trouble with the law should be shipped out and no questions asked.

I'm against foreign aid, but if we have to have it, then it should be passed by a special committee. There should be an annual budget for a year and it should be disbursed from there, not at the whim of the Prime Minister. Any country that has not paid back a previous aid package will not receive any more. Who's going to give Canada aid when we need it? At the rate we are going, we are going to need it pretty soon.

Members of Parliament and MLAs should be elected for a two-year term and should not be allowed to give themselves a raise. The pay when you are elected is what you get for two years.

Thanks for listening to me. I'm George Waslen, just a private citizen.

MR. ACTING DEPUTY CHAIRMAN: Thank you, George. Would you care to leave a copy of your brief with the secretary? Thank you.

Our next speaker is Roy Farran, followed by Dr. Reich.

MR. FARRAN: Mr. Chairman, ladies and gentlemen, I haven't got a brief addressed to you, but I have a brief that was addressed to Joe Clark, who asked me to give my views on the situation. It's written in a very informal style, but I've got six copies here, and I'll leave them with you.

MR. ACTING DEPUTY CHAIRMAN: Thank you.

MR. FARRAN: I'll highlight it only.

I think it's important to remember that in the democratic world this was a reasonably successful country until we patriated our Constitution, had a written Charter of Rights, and we failed to get the consent of the French-speaking province of Quebec when René Lévesque refused to sign in 1982.

Now, the failure of the Meech Lake accord, even after it had at one stage received unanimous support among the provinces, precipitated a national crisis. But think back for 110 years. From 1867 to the early '70s we had a successful country with a minimum number of crises. I mean, it was never perfect, but we didn't have the sort of crisis we have today. The reaction to Meech Lake, which was a very modest proposal if you look at it in an unbiased way, was largely caused by Trudeau's impossible dream of a highly centralized bilingual Canada. Canada can only work as a fairly loose Confederation. That's why they call it a Confederation, and that's the way it was until the Trudeau regime. It's like a big bridge with expansion joints, a chain if you like, held together with a federal clasp. If you try to centralize a country this big too rigidly, you have the same failures they're now having in Soviet Russia, in Yugoslavia, in many other parts of the world. You've got to have flexibility in a big country like this.

There you have the difference between two concepts of Canada. Mine, that it was a deal of equal provinces inheriting the generosity that the British showed towards the French after the conquest, leaving them with their own language, leaving them with their own Civil Code and the Napoleonic Code, leaving them with really what amounted to self-government – you have that concept as opposed to the other concept of the highly centralized Canada ruled by an imperial capital in Ontario, which I say won't work.

Now, since the Trudeau regime we've had all sorts of invasions into provincial rights under the BNA Act by the central government using its superior taxing powers. We had the birth of the welfare state, with a federal invasion into education and health and several other areas. They even ignored some of the shared jurisdiction areas like immigration, which was a shared jurisdiction from the beginning. This is what has sort of exacerbated the marriage, if you like, between Anglophone Canada and French-speaking Canada.

If we want to keep Canada as it has been for this last 160 years – the whole world's laughing at us, our being on the brink of breaking up – we can't say: "Well, let them go. I'm not going to read French on the cornflakes box anymore. If they want to go, let them go." You won't have the same Canada. You've got to address your minds to the point at issue – What will it take to keep French-speaking Canadians within Canada? What will it take to keep Quebec within Canada? – not think at the moment about native rights or women's rights, however urgent they may be. You've got to address your mind to what will keep Quebec within Canada if you want Canada as it was for 167 years when it was sort of partially self-governing. If you want to go right back to 1760, it's really 200 years. If you want to blow it, then okay; you can talk about revamping Constitutions in an overall fashion and forget Quebec.

I want to keep Quebec in Canada. I'm even prepared to make some concessions over bilingualism, short of mandatory quotas in the federal civil service and the army. I think the only possible solution is devolution, that you've got to go back at least to the areas of provincial jurisdiction under the BNA Act. You've got to admit that it's fair that if the feds invade the old provincial jurisdiction, then a province should have the right to opt out and not forfeit its fair share of tax money. This is the main thing that Quebec's been asking for. I think René Lévesque would have signed if that had been offered to him in 1982. To me it's eminently fair. They've been allowed to do it in some areas. They have their own pension plan, far better than the Canada pension plan: a huge success. I mean, the caisse has boosted the provincial economy in Quebec enormously. I think if you start talking about federal environmentalists having a say in whether the next stage of James Bay hydro goes ahead or not, then you're finished; you've lost Canada. That's their future. They're not going to have a bunch of Anglophones telling them how they're going to develop their natural resources. Let's be realistic.

I think you've got to start trying to repair the damage that was caused by Mr. Trudeau and, more recently, by his disciple Clyde Wells in Newfoundland.

Thank you very much, and I'll give you my . . .

9:51

MR. ACTING DEPUTY CHAIRMAN: Thank you very much, and we'll receive your brief. Thanks very much, Roy.

Dr. Reich.

DR. REICH: Thank you, Mr. Chairman. I hope possibly to speak to you further than the 15 minutes or so because I'll be out of province, so possibly this will be the last shot I will have at this.

MR. ACTING DEPUTY CHAIRMAN: Regretfully, you won't be tonight.

DR. REICH: Not tonight, no. So I'm going to start at the back of my brief here, just refer to brief pieces of it and the conclusion of my six pages and my enclosures.

For reason of bureaucratic government and administration of government, many of Canada's institutions have been near destroyed and our people demoralized. The second last bit just before my conclusion is that if the morale of the individual is not so protected, the prediction inherent in the following epigram will come true. This is an epigram that I coined.

Where there's a bureaucracy, there is no freedom.
Where there's no freedom, there's no morale.
Where there's no morale, there's no morality,
Not even among those who are being governed bureaucratically.

I'm a physician. I might as well present some of my credentials. I was born in this province in 1917. My father was a pioneer. He built his store in what became north Edmonton in 1906. I served three years as a captain in the army as a medical officer, and I've done private practice since 1950. In the '50s I did two things. I criticized the health care insurance plans for what I call their fixed premium and fixed fee for service, which served as a subsidy for the overusage of medical services. Also in the '50s through my research I became an innovator of megavitamin therapy. Because of those two things which occurred in practice, I've evolved in my medicine now a unified concept of disease concerning ionic calcium deficiency, which is a solution for the allergic reaction, the autoimmune reaction.

As well, in my pursuit of this I came in contest with the powers that be that wish to maintain medicare as it is, despite my protestations. Because of this, without a patient complaining against me either in those three years of military service or 31 years of practice, I was pulled into a room, subjected to an examination of fitness of practice, my licence was canceled in Alberta, and my licence was canceled in all of Canada. So when I appealed to government regarding the constitutional rights that I was guaranteed in the Constitution, I was pointed to section 24 of the Constitution, which said that you have the right to defend yourself and your rights in court.

I would protest this, and I say that the Constitution should be managed, should be protected, should be guaranteed. The rights that are guaranteed should be guaranteed rights. I should not be expected to go to court and protect my democracy in court against an administration of government who had denied me justice in that room in which I was examined. So because I protested, because I differ in terms of medicine regarding the superscientific medical care, because I differ in my attitude towards medicare now, which I say is a subsidy of overusage of medical services, I pose myself as an example of an individual Canadian who has attempted to better the system since 1950. My rewards for this are that now at 74 years of age I live on pension, I live disgraced, I lost my life's work. And section 24 – by the time you lose your means of living and you're refused legal aid and the six-month statute of limitations is up, your chances are lost.

So, Mr. Chairman, I go back to my conclusion, and I suggest to you that the health care system is now getting close to ruin by bureaucracy. I'll repeat this conclusion: for reason of bureaucratic government and administration of government, many of Canada's institutions have been near destroyed and our people demoralized. I would suggest to you that the health care system is now near collapse, and the medical profession knowingly are quite demoralized. I think in my new Canada I would like to see morale and morality within the profession. I would like to see the individual rights of the physicians protected completely. Then Canada may get a health care system of some value as opposed to the one that's now heading for the brink. As bureaucracy took the second mightiest nation to the brink, so the bureaucracy will take Canada's health care to the brink if the individual within that system is not protected.

Thank you, Mr. Chairman.

MR. ACTING DEPUTY CHAIRMAN: Thank you, Dr. Reich, and if there is, and I'm sure there will be, a second round, get your name in so that you can get into a slot.

DR. REICH: I'll be out of province. I'll try, but I'd like to have another . . .

MR. ACTING DEPUTY CHAIRMAN: Well, that will be later anyway. It won't be for a bit yet.

DR. REICH: So I can have another shot at it. Thank you very much.

MR. ACTING DEPUTY CHAIRMAN: Again, thank you. Is Philip Fisher here?

Hello.

MR. FISHER: Good evening, lady and gentlemen. I speak to you as a Canadian, not as a hyphenated Canadian. I am not an Albertan-Canadian; I am not a British Columbian-Canadian; I am a Canadian. I have had the licence plates of four provinces and have four driver's licences in my wallet. That means I have spent a considerable chunk of time in British Columbia, Alberta, Manitoba, and Ontario. I was a serving officer in the Canadian army in Quebec in 1970 during the Quebec crisis. I first heard of the Quiet Revolution in 1965. I want to keep Canada together. This country is worth keeping together. We have too much to lose if we blow it.

Towards the new Constitution. There are some basic principles that we should have in a Constitution. All persons, male or female, must have freedom of speech, religion, association, movement, and the ownership of property. All persons, male or female, have responsibility to respect the rights of others and not to impose oneself on others.

Division of powers. The federal government should have the following powers: defence, currency, justice, foreign relations, immigration, medical care standards, education standards – yes – across the country, trade and commerce within Canada and between provinces, not a bunch of Balkan states, and taxation.

10:01

Finance. The federal government may not have deficits for more than three years out of the last 10. To do so would be an immediate act of nonconfidence. The only exception would be in time of war.

The provinces and municipal governments may not run deficits. No grants, gifts, loans, or subsidies are to be made to private individuals, corporations, or institutions. If we got rid of the nonsense of MagCan, NovAtel, Peter Pocklington, a helmet manufacturer that couldn't manufacture helmets and couldn't pay his people, and on and on and on. And it goes across the country: $800 million at a cheap rate to Thailand so that Lavalin from Montreal can engineer a high-speed LRT system; $100 million to Algeria so Lavalin, again, can develop a monument to socialism; and on and on and on. We could cut our taxes in half without that garbage. Private business can stand on its own two feet or fail. I know; I'm doomed myself now.

The structure of government. The House of Commons should be constituted as it is presently, but members should be elected for two terms only. That includes the Prime Minister. The present one was only in the House for a year before he was elected. The Senate: there would be four persons from each province appointed on a draw as with jury duty, but it would differ from jury duty in that the people would be able to beg off for personal or business reasons. The appointments would be made by the Supreme Court of each province, and one quarter of the members would be chosen each year and three months.

Amendments to the Constitution: these would need to be passed by seven provinces containing a majority of the population.

I thank you for your consideration, and I thank you for staying awake this late at night.

MR. ACTING DEPUTY CHAIRMAN: Thank you for your emphatic presentation. Do you have a copy of the brief that we could have?

MR. FISHER: Yes.

MR. ACTING DEPUTY CHAIRMAN: Thank you.

Well, ladies and gentlemen, we've reached the end of our agenda for the night, and I see we're only five minutes over time, so that's not bad at all. I wish to thank, on behalf of the panel and Alberta and Canada, each presenter and each participant, because I call the rest of you participants, those who have sat here and listened to the representations. We will reconvene tomorrow morning in this room at 9. If you have time or interest, please join us. As I mentioned, if you aren't in a slotted time and you wish to make a presentation, there is at least an hour set aside for unscheduled presentations.

We will be analyzing our presentations on June 6 with those of our other panel, which is traveling the northern part of the province – they're meeting in Edmonton tonight and tomorrow – and then decide what our next step will be. As I mentioned earlier, that may be further hearings. We're not sure just at this time, but we will be taking time to hear from Albertans.

Again, I thank you for your participation. Those who will be back, we'll see you tomorrow. Thank you.

[The committee adjourned at 10:05 p.m.]

9:02 a.m. **Saturday, June 1, 1991**

[Chairman: Mr. Horsman]

MR. CHAIRMAN: Ladies and gentlemen, I'd like to get the meeting under way, if I could. First of all, let me welcome you all here today, those of you who are planning to make presentations and those of you who are here just to listen and to learn.

The panel is here to learn the views of Albertans on the future of Alberta in a new Canada. We are members of a select special committee of the Alberta Legislative Assembly comprised of 16 members representing all political parties. We've divided ourselves into two panels, and the two panels have been conducting hearings throughout Alberta during the course of the last week. We started a week ago yesterday in Edmonton, this particular panel, and spent all of Saturday last week in Edmonton, moved on to Lloydminster, then to Camrose, then back to Edmonton, on to Lethbridge, then to Medicine Hat, and then back to Calgary last evening.

All members of the panel were here with the exception of myself last evening, but I had a daughter graduating from high school last night in Medicine Hat, so all of you will recognize where my priorities were. So I'm here this morning. Unfortunately, one of our panel members, Ken Rostad, had to leave to attend the funeral of a very close and dear friend in Camrose. I will ask my colleagues to introduce themselves in just a moment.

I'm Jim Horsman. I'm the MLA from Medicine Hat, and I am the chairman of this select special committee. I'll start on my left and ask each of the other panel members to introduce themselves.

MR. HAWKESWORTH: Thank you, Mr. Chairman. Bob Hawkesworth, MLA for Calgary-Mountain View.

MRS. GAGNON: Yolande Gagnon, MLA for Calgary-McKnight.

MR. ADY: Jack Ady, MLA for Cardston.

MR. SEVERTSON: Gary Severtson, MLA for Innisfail.

MR. McINNIS: John McInnis, MLA for Edmonton-Jasper Place.

MR. BRADLEY: Fred Bradley, MLA for Pincher Creek-Crowsnest.

MR. CHAIRMAN: The process by which we will operate is that each presenter will be provided with 15 minutes. At the end of 10 minutes a bell will ring to alert you to the fact that you have five minutes left. We'd like to have time for members of the panel to ask questions of the presenters if you raise issues that raise questions in their minds, but we are here to listen. We're here to seek out the views of Albertans. We're not here to tell you what we think; it's the other way around.

So having said that, I would like now to call on Maurice Marwood and Jack Nodwell, who will be making a joint presentation. Is it "Morris" or "Maurice"?

MR. MARWOOD: "Morris" is fine.

MR. CHAIRMAN: "Morris." Okay.

MR. NODWELL: Thank you, Jim. My name's Jack Nodwell. I'm the chairman and chief executive officer of Canadian Foremost in Calgary. Maury and I are both going to make presentations. They won't necessarily be a duplication either, so we won't, hopefully, bore you with that. We point out that these are really our personal opinions, not necessarily representing that of our company.

Firstly, I would like to state that I believe there's not really very much wrong with Canada. One needs only to travel to other countries and compare to find out really what a fine country we have, and Canadians know this at large. So what I'm saying is that although the country isn't broken in the sense that it needs fixing, from that point of view, I think there is a growing concern with the constitutional crisis that we can use to our advantage to try and make this country better. Change is needed, and the country can be improved if we take advantage of what we are undertaking right now. I think it would be important as we go through this process to convince people as much as we can that we are adopting an attitude that we're not fixing what is wrong but taking a chance to make what is good even better.

Now, as you know, the country needs to focus on productivity and, out of that, the quality of life. To me this highly includes the role of governments in the economy as much as it does that of labour and business. Collectively, we must reduce the combined size of governments if the country is to remain competitive and to put its finances in order. Perhaps this whole constitutional issue offers the opportunity to address that at the same time.

In terms of Quebec, I think the perceptions of how we – that is, particularly in western Canada – view Canada are completely different from how Quebeckers view Canada. We think of Canada as being made up of 10 equal provinces in a federal system wherein each of the citizens have equal rights under the Charter of Rights. It seems that Quebeckers tend to view Quebec as a special place that is associated with Canada and do not think of Quebec as a province in the same context as we do. Quebec already, as we know, enjoys many special rights such as language, environmental control, pensions, immigration, and so on, yet what we're faced with is the fact that Quebec seems to want more.

What I'm suggesting is that we should maybe take the opportunity to look at their proposals carefully to see if perhaps there is a model there for a new structure of Canada; that is, maybe only two or three regional governments for the whole country, which have given to them strong control of things that are of close interest to the people, and one central government that deals with issues of national scope and international matters. In my opinion, the country cannot afford 11 governments trying to do the same things, thereby making us inefficient and noncompetitive through duplication and power struggles involving too much regulation.

I want to point out that I'm an Albertan by birth and I really love this province, but I have made up my mind to state that I'm a Canadian first and I would be prepared to see this province disappear for the better good of the country. What I'm asking is: can Alberta show the courage and leadership to propose this to its citizens and to other provinces? On the other hand, in looking at this, if Quebec's model won't work, then I believe we must be prepared to tell them that they can declare independence and leave. As sad as that would be, the two new countries that would result would likely both get to work and build strong nations. What I believe will not succeed in strengthening this country is a process that is based upon appeasement in an effort to maintain the status quo.

Thank you.

MR. CHAIRMAN: Thank you very much.

Maurice.

MR. MARWOOD: Thank you, Jim. I would like to just take a minute and describe a little bit about my background because I think it's important in terms of forming my views on this particular issue. I was born and raised in eastern Canada, and I left the country in 1966 to work in the U.S. I had the opportunity during that process to live in Europe as well as the Far East and travel much of the world. I came back to Canada in 1986, and since then I've had the opportunity to manage a plant in Quebec just north of Montreal and then come to Alberta in this particular position.

I have also given you a handout, which gives a lot more detail on the particular issues that I think are important, so I won't get into too much detail. I'll just try to summarize what I consider to be the key issues from my point of view.

I think the fundamental problem is that Canada lacks a national sense of purpose and direction. I do not believe that unity will exist until the people can develop shared expectations based upon a clear national belief system, a mission, a vision for the future. The conflicts we see between the Anglophones and the Francophones, between the east and the west, the west and the central, and between the aboriginal peoples are, in my opinion, mere symptoms of the fundamental problem of not having a national sense of purpose and direction. Bilingualism is a much talked about issue, but I lived in Switzerland, and they very comfortably accommodate four national languages. Hong Kong accommodates three national languages. Many, many other examples can be cited where bilingualism or trilingualism is not really a deterrent to forming a strong national union of multicultural people.

9:12

Likewise, I would say that the distribution of power between Ottawa and the provinces is really another symptom of the problem. Distribution of power will not form unity in this country. It's another symptom of the problem. I think that all of this bickering is caused by not having a sense of national purpose, a national belief system, or an allegiance to a nation. We don't have allegiance to a nation. So if that's a problem, what can we do about it? I think there are some specific issues we need to deal with in order to overcome that situation.

The first point, I believe, is that we have to declare ourselves independent of Great Britain. I think that's critical. How can we be Canadians when we don't even have a Canadian as a head of state? We're a colony of Great Britain. We can't identify a unique Canadian identity so long as we're a colony of Great Britain. That's not talked about very much, but I think that's a critical issue. We happen right now to be in the process of negotiating a contract with Her Majesty, and it says very clearly in the contract, "Her Majesty will . . ." or "Her Majesty shall . . ." It really prevents us from having a close national union of Canadians. We are truly still a colony, and I think we have to deal with that. Constitutional reform should deal with that directly.

Secondly, I think we need to find a way to develop better economic union amongst ourselves. I happen to work in the trucking industry. I was managing this plant in Quebec, and I can tell you that a truck today cannot travel across this country from B.C. to the Atlantic provinces or even Ontario without stopping, redistributing their load, and changing the configuration of those vehicles in order to get from point A to point B, and it's because of economic differences between the provinces. We need a free trade agreement with ourselves, let alone the U.S. Somehow these internal economic barriers need to be broken down, I believe, and then we can hopefully join together, look externally, and try to be competitive in the world rather than between ourselves.

Thirdly, I believe that we have a very, very large country with approximately 25 million, 26 million people. In my opinion, this country can easily accommodate another 20 million, 30 million people over the next 15, 20 years, and I think we need to establish a lenient immigration policy that goes after that particular goal.

Finally, and fourthly, I certainly agree with Jack that we have to find a way somehow to reduce the size of government. I think it's a major deterrent to achieving national prosperity. It's a deterrent to achieving economic strength. We need a limited central government and a much reduced size of government.

In conclusion, I would say that in order for Canada to mature from a colony, which we are today, to a world-class nation, we must all make a serious and diligent effort to develop a national soul, a national belief system, and a national ideal that we can all look up to. This ideal can be achieved if we define our nation in these very specific terms: a country that is governed by a small, efficient political body which staunchly defends individual freedom and supports a globally competitive economy. I think Canada can then become a healthy, unified nation producing the wealth necessary to maintain the quality of life that we'd very much like to protect.

Thank you.

MR. CHAIRMAN: Thank you very much. Questions? Jack Ady.

MR. ADY: Just a question on bilingualism. You mentioned other countries: Switzerland, for instance, has four languages; Hong Kong deals with three. Are those languages mandated by the governments there similar to the way it is in Canada? Do you favour our present bilingual system in Canada?

MR. MARWOOD: Firstly, in Switzerland all of the government documents are published in four languages, so that's an official position. It's not just a multitude of people speaking different languages. All government documents are issued in four languages.

In answer to your second question I believe that people should have the right to speak the language they wish. I believe that they can do that and we can still be a unified nation. I don't believe that anyone, Ottawa or the provinces or anyone, has the right to tell a person what language they should speak.

MR. ADY: If I could just have a little more clarification. I guess what I'm trying to define is whether the fact that there are four languages spoken in Switzerland today – did that evolve because there were just that many different cultures there? Or did the government decide that there were going to be four different languages and mandate that they be taught in the schools and that they would print in four languages? What's the history of it? How did it happen I guess is my question.

MR. MARWOOD: I'm really not familiar with the history of how it evolved. I'm sorry; I cannot answer that question.

MR. CHAIRMAN: John McInnis, Fred Bradley.

MR. McINNIS: Both of you spoke of the need for a strong sense of national purpose to try and get us out of the foul mood that we're in as a nation, but I didn't really get a sense of what you see that national purpose to be, other than being competitive internationally. Can you perhaps expand a little on what type of a purpose you see that we need to rally around?

MR. MARWOOD: In my opinion, our purpose at the moment should be merely to become a family. I think becoming a family can be a national purpose. We're not a family today. A family with a capital F: I think that's the best way I can describe it. That should be our national purpose, to become a family.

MR. CHAIRMAN: Jack, do you want to add . . .
I'm sorry; you wanted to add to that?

MR. NODWELL: Well, Maury did make the other point, too, that because we have the tradition of still having the Queen as head of state, it's hard to know who we are. Why don't we determine that we are one country and get on with it?

MR. CHAIRMAN: Fred Bradley.

MR. BRADLEY: In your brief you mention the economy and that one of the problems we have is the size of government. You suggest there should be a reduction in the size of government, and Mr. Nodwell specifically suggested we should look to setting up regional governments, reducing the number of provincial governments. Do you have any specific thoughts as to what these regional governments would be in terms of geography, what geographical areas they'd represent? Also, what responsibilities would you assign to them? Would you assign responsibilities similar to what Allaire is suggesting?

MR. NODWELL: On the second part of that, parts of what he is suggesting probably make sense, since it's obvious Quebec is heading that way. So what I said is that we should address it to see if that would be a workable model. The size of these other regional governments is hard for me to answer because, of course, it becomes very emotional, but the larger the better. If there were no more than three, Quebec counted, I think that would be ideal.

MR. MARWOOD: In my opinion, without having given a lot of thought to this, quite frankly I think that one government west of the Ontario border is certainly sufficient, one government in Ontario, perhaps in Quebec, and then the eastern provinces. That's more than sufficient, in my opinion.

MR. CHAIRMAN: Yolande.

MRS. GAGNON: Thank you. In order to become a family, we will have to dispel a lot of myth, a lot of stereotype, a lot of misunderstanding. I think we've seen this week that, you know, we do have a lot of that kind of work to do. I think this is a start, dialogue like this. How would you suggest we accomplish that locally but also nationally? There have got to be some mechanisms.

Secondly, how are we going to get this free trade across provincial borders? Establishing regions is one, but if that doesn't work, what else could we do to encourage free trade within Canada?

MR. MARWOOD: In terms of becoming a family – and I think that's a good analogy, in my own opinion – to me it's impossible to develop a family when the head of that family isn't even part of the family, the head of that family doesn't even live here. Now, that's a symbolic thing, but I think it's a very important symbolic thing. Who's going to be the head of the family so long as we're a colony? Who's going to represent the head of this family? I think that's a very, very critical symbolic issue to understand, and I believe that if we were to stand up and declare ourselves independent of Great Britain, we would become a family very quickly. Obviously, there are some direct descendants of Great Britain that would be very upset with that, and it is a very emotional issue. Nevertheless, it is a symbolic gesture that I really believe we have to do to become a family.

MRS. GAGNON: And the free trade and communications systems kind of thing, I guess: how to dispel myth and stereotype.

9:22

MR. MARWOOD: That will take some time, and I guess I don't have an action plan, necessarily, to get to that point. But I believe that if we can rally around the economy . . . To me, everybody's interested in the economy. Everybody wants work; everybody wants to be successful economically in the world and within their own country, and I believe that if that becomes a national purpose, which I'm fortunate to see it becoming, I think that can serve to dispel and take away a lot of the myths and the white elephants that are preventing us.

MR. NODWELL: Yes. On that part about the family, that's what I would think we should focus on. The country at large has a competitor out there that is all the rest of the world. We must pull together to be sure that we maintain our good country. In other words, that's the theme, and let's proceed.

MRS. GAGNON: Thank you.

MR. CHAIRMAN: Bob, did you wish to get in?

MR. HAWKESWORTH: Thank you, Mr. Chairman. Just a couple of questions here. One in particular we heard yesterday – I think it was in Medicine Hat – a suggestion that the Alberta Legislature establish a commission or a study, or maybe it's something our panel could undertake, and that is to review the costs of potential breakup of the country on the Alberta economy, or maybe even just the future of the Canadian economic union. Is that something you would see as being an important role for us to be doing at this moment, or do you think that might just cloud the issue?

MR. NODWELL: I'm sorry; what was your question?

MR. HAWKESWORTH: For the Alberta Legislature, much along the lines as Quebec has done, to sort of establish a commission or a study of the future of our economic union and our role as a province in that. Is that something that you think would be helpful at this juncture? Or maybe not, that it would just simply cloud the issue.

MR. NODWELL: It's difficult to say. From what I understand your question to be, I think you should address that right now, with what you're doing as an overall thinking. My suggestion would be: don't restrict your thinking to any concept at this particular time.

MR. MARWOOD: I think, Bob, that you asked whether or not you should pursue an investigation of the costs of the breakup. Is that what you asked?

MR. HAWKESWORTH: That was the proposal, one of the mandates, much as Quebec has established a commission of the Legislature of Quebec to look at the costs and benefits of sovereignty association and an independent Quebec. Someone in Medicine Hat suggested that the Alberta Legislature ought to set up a similar kind of body to review the future of the Canadian economic union: what might happen in the event that Quebec separates, its impact on the Alberta economy, and perhaps even to look more at the prospects of our regional economy and the Canadian economy as a whole with or without Quebec. So I'm just wondering whether your immediate reaction to a suggestion like that would be positive, or do you think that maybe that's just avoiding the issue or clouding the issue?

MR. MARWOOD: I guess, in my opinion, to investigate the economic consequences is a waste of time. Not only that, I think it's detrimental because it will detract from the main issue. This is not a business decision we're making. It's not a cost/benefit decision we're making, you see. It's an issue dealing with our lives and our future . . .

MR. NODWELL: And how we feel about it.

MR. MARWOOD: . . . and how we feel about it. So the costs are a number. How do you determine the threshold: whether that number is too big or too small? Either way we go, the price we're paying today for not being a union is astronomical compared to the cost of fixing it. So I think that would be a waste of time and detract us from the main issue. The main issue is trying to become a family, I believe.

MR. HAWKESWORTH: Okay. I appreciate that. Just one quick last question then, Mr. Chairman. Do you think it would be helpful for us to look at writing a preamble to the Constitution that might embody some of these ideals that we're trying to strive for as a nation? You know, the American Constitution's is "life, liberty, and the pursuit of happiness," but there's nothing really quite equivalent to it in our Constitution along the same lines. Is that something that might help unite us?

MR. NODWELL: Right. The shorter you can make it and the more you make it a vision, the more it'll have meaning. I would try that.

MR. MARWOOD: If I could comment, I think the greatest single thing Albertans can do is to set an example for the rest of the provinces by standing up and saying exactly what Jack said: "Hey, we're Canadians first, and if we have to go a way as a province in order to build this family, then we'll do it." I think that for Albertans to make that very, very bold step would be very, very beneficial to the process.

MR. CHAIRMAN: Thank you, gentlemen. I just wanted to tell you that we've had people come before our panel who are passionate defenders of the monarchy and the constitutional monarchy and the British parliamentary system. What you are proposing, of course, is a republican form of government, and there are many people who question whether or not the same sense of loyalty to President Mulroney or President Trudeau or president whoever, who is an elected person, would be there. Therefore, I can tell you that what you're suggesting would engender, I know, a very major emotional concern for a very large number of Canadians.

MR. MARWOOD: Mr. Chairman, if I can comment, I did have the opportunity of living in the U.S. for approximately 15 years. The loyalty of the American people, in my opinion, is not to the president; the loyalty is to the country. But they can see that that country has an American as its head of state. Depending on who it happens to be at the moment, they dislike their presidents every bit as much as we dislike our Prime Minister, but it doesn't detract from their allegiance and loyalty to the country, you see. That's a major distinction that I think we have to recognize. It's not loyalty to Mulroney that's important. It's loyalty to the country, knowing that we're a family and that the head of that family happens, for the moment at least, to be a Canadian, and so will the next one.

MR. CHAIRMAN: I know your theory, but I'm just putting out to you that there are many people in this country who passionately disagree with you.

MR. MARWOOD: I know that.

MR. CHAIRMAN: Thank you.
Jack Ramjeeawon.

MR. RAMJEEAWON: Mr. Chairman, first of all, I want to thank the task force for giving me this opportunity to address the many problems that our country faces. I would like also to remind this committee that you have probably been briefed by many different organizations and lobby groups, but I'm speaking on my own behalf. I can guarantee you that there are many people like me who would have liked to come and speak to you, but because of the life-style that we have in this country, we don't take time to come and express our opinions. So I would really appreciate the task force taking a serious look at some of those individuals that come and brief you.

In preamble to my presentation, Mr. Chairman, I would like to relate a little bit about my background and my reason for coming to this country. Hopefully, this will help you understand my views and where I am coming from. I was born and raised on the island of Mauritius from an East Indian ancestry. Mauritius is a truly multicultural society much like Canada. For those of you who are not familiar with the location of this island, Mauritius is located east of the coast of Madagascar in the Indian Ocean. In Mauritius I was part of a group of people which formed the majority of the population. Here in Canada I'm a visible minority. I'm married to a Canadian Mennonite girl. We have two boys who attend a bilingual school, participating in a French immersion program, which brings me to my first remark about multiculturalism.

9:32

I asked myself: why did I come to this country? Did I come here to promote my culture, my kind of music, my religion, and so on? My answer to this question, Mr. Chairman, is no. I came to Canada in 1974 because I could see a better economic future for me. I am very grateful to Canada that I have the freedom of speech, religion, everything the Charter of Rights entitles me to. I would like to leave a legacy to my children about my roots and the mosaic culture that I brought to this country, and I believe it is up to me, my total responsibility, to promote these aspects. I strongly believe the government should try to make us proud Canadians, not – and I stress the word "not" – hyphenated Canadians. In other words, the Canadian government should revise its policy on multiculturalism. As an example, yesterday I was at a customer's of mine. They were never from Germany; their parents came from Minnesota, but because their name was Schwinghamer, everybody called them German-Canadian.

It would be my suggestion that funds used to promote multiculturalism be used to help new Canadians learn the English language if they live in an English dominated province, or French if in a French dominated province. It seems especially important for women in our culture to have help to adjust to our society, which in turn will help them raise their children to be proud Canadians.

I would like to draw a parallel between a Canadian and an American which I recently observed on the news. There was a Jordanian-born American in combat during the recent Gulf war in Iraq saying to a CNN reporter: my allegiance is to the U.S.A., and should I see an Iraqi or a Jordanian as an enemy, I will have no problem defending the American flag. More recently, however, I noticed on the news some Canadians, born, raised, and educated here, going to fight for Croatian independence, being interviewed and reported as saying that Croatian independence was worth it to them even if they had to die in the process. What I mean is that the Canadian government is not making us proud Canadians.

Another example. In Mauritius, where, as I say, I come from a multicultural society, the politician is trying to please every ethnic group in that country. At one point we had around 26 statutory holidays: one for the Chinese, one for the Hindu, one for everybody. What was happening? It was detrimental to the economy; everybody was pulling their money out of this.

My next remark, Mr. Chairman, will deal with constitutional reform. Although I'm not a lawyer and not fully informed of the legalities involved, I feel, probably like the majority of Canadians, that the status quo has to be changed. I feel we as western Canadians should fight for a triple E Senate or some kind of reform in the upper House. For example, the maritime provinces could be one group; the western provinces – Manitoba, Saskatchewan, and Alberta – could combine as another group; British Columbia and the Northwest Territories still another group; with Quebec and Ontario having individual provincial representation. There should be an equal number of elected Senators from each of these groups so that each region is represented. Basically, what I want to say is that we have to have a mechanism so that programs such as the NEP or something like the CF-18 will not happen again.

Regarding the elected House of Commons, we have a system now where we elect an MP for a riding. If 70 percent of the population goes to vote on election day and you have three parties and two of them get 20 percent and the other one gets 30 percent, you have an MP who has been elected by 30 percent, which is not a hundred percent of the population living in that riding. In Europe and many other countries there is a second round. I can guarantee you from experience of when I lived in France . . . You have a group of candidates standing for election. You have the first round, and after the first round you have runners-up. Then what happens is that when the people that didn't vote on that day find out that some other candidate that doesn't represent their views is going to be elected, they go on the second round and vote. So we have 50 percent plus 1. On top of it, what you get is that you know where the population wants the country to go because you have 50 percent of the riding that has voted for that MP. It has increased the percentage of participation on election day.

I also would like to link our constitutional difference with our economic advancement and competitiveness in this world. I feel personally they go hand in hand. If I could give you some examples. We have south of us a big mass of population in California and some in the northern United States. Central Canada should realize that to help us take this opportunity, we have to be one. By that I mean diversification of our industry in western Canada, lifting trade barriers among provinces. I mean that if we are strong economically, we will be strong constitutionally. We feel we can work together, which brings me to my next remark: Quebec in Confederation.

I have had the opportunity to speak to many people as well as politicians in Quebec. The sentiment a few years ago was that the young people of Quebec could do it on their own. That's the feeling that I felt when I talked to some of the people, and probably some of the polls that were released. For a long time they have been just blue-collar workers: bureaucrats and civil servants or factory workers. Of late, statistics show that percentagewise there are more young people studying business administration in Quebec than in any other province, which just tells you that if you are strong economically, you can make it as a country.

I want to live in a strong united Canada that includes Quebec. I feel we should accommodate the distinctness of Quebec culture and language, and I might add that I'm very proud of it. In some ways I liked the Meech Lake accord, because when I came to this country I knew there were two founding nations, English and French. The immigration officer mentioned that to me. However, I feel that the way the bilingual program has been implemented in the country by the federal government has created more division than unification between the two founding nations. As mentioned earlier, my children attend a bilingual school, one of the reasons being that I love the French language. I think it's the most romantic language in the world. It is good to know more than one language, but I also realize that if they are going to spend the rest of their lives in western Canada, when will they have the opportunity or need for this beautiful language? I would encourage them, as well as other young people, to study another language which would be beneficial to them – Japanese, Spanish, Chinese – because of our geographical situation.

In conclusion, Mr. Chairman, I feel we should not concede to Quebec everything so that they can stay in Confederation, but they should be able to protect and preserve their culture, and not at Canada's expense. It is my ultimate hope and prayer that we can stay together as one nation, and I hope Quebec realizes, too, that they will be able to protect and preserve their distinct characteristics within the Canadian Confederation rather than being isolated in the North American continent by the English-speaking dominated population.

Thank you very much, Mr. Chairman.

MR. CHAIRMAN: Thank you, Jack.

Yes, Gary Severtson, Bob Hawkesworth.

MR. SEVERTSON: Thank you, Mr. Chairman.

Thanks for expressing your views. You said you came as an individual, and we've received a lot of individuals in this last week of hearings. I appreciate your views on multiculturalism.

We've heard the same views from Albertans from right around the province. One question I would like to ask you: in your reference to the majority vote, having, say, a runoff, do you say it has to have 50 percent of the total voters or 50 percent of the votes cast?

9:42

MR. RAMJEEAWON: Votes cast. I might add that I think in France you have to vote. If not there's a fine, if I'm not mistaken. I think if you have 70 percent of participation, out of the 70 percent you get 50. It's votes cast that I mean.

MR. SEVERTSON: Okay, fine. Thank you for coming today.

MR. CHAIRMAN: Bob.

MR. HAWKESWORTH: Thank you, Mr. Chairman. You gave us a good defence or support for this runoff idea that France has adopted. Have you given some thought to what other European countries have done in adopting proportional representation as a way of making up their legislative bodies? Have you looked at that? What are your feelings about proportional representation?

MR. RAMJEEAWON: Well, I guess to be honest with you, I'm not specifically looking at that, but talking to people, I think that would be another alternative. But I strongly believe that we have the 50 percent plus 1.

MR. HAWKESWORTH: Sure. Okay. One other question. As far as Quebec maintaining its distinctiveness in culture and language, what would your thoughts or feelings be if we were to leave the question of language up to each individual province so that in Alberta how we manage language policy would be a provincial question and it would be up to Quebec to decide what their language policy would be? Would you be supportive of that, or is that not quite the answer either?

MR. RAMJEEAWON: Well, I don't know if you can do that. If I understand correctly, Manitoba is a bilingual province constitutionally, so I don't know if you can do that. What I feel is that if a majority of French-speaking people are in Quebec, then they should have control. If there are French-speaking people in Alberta, I guess by the Charter of Rights you are entitled to some protection on that. But no, I feel Quebec should protect the culture they have because they are on the North American continent. I feel they probably are the only one that should protect that.

MR. HAWKESWORTH: Okay. Thank you.

MRS. GAGNON: I guess, Jack, if anybody will embody the new Canadian, it will be your children, whose father is from Mauritius and mother is Canadian Mennonite and they go to a Catholic French school. I'm very interested in your comments about federal multicultural policy, especially the one that immigrant women need additional help to learn the language because of problems of isolation, I guess. They can't become Canadian because they're isolated because of the language barrier. Could you expand on that and on what kind of program might be developed?

MR. RAMJEEAWON: Well, you know, I have around 20 members of my family in Calgary here, and except for my wife, everybody else was born outside Canada, and quite a majority of them are women. Many people have asked me: does one generation – you know, like the children we engender – change this? It doesn't, because the way we are raised they don't tend to go out. I think what I want to say is that if you create an English-speaking program to learn the English language in Alberta, that will help them to go out and know their right, the life-style we have on the North American continent.

MRS. GAGNON: Just quickly. If we as a committee, let's say, would come out and say that we challenge present multicultural policy, without a lot of explanations and so on, how can we avoid being called bigots? You know, there's so much misunderstanding about this policy: what isn't working and what is, the accusation that it's used by politicians to buy votes, and that kind of stuff.

MR. RAMJEEAWON: Well, I think you will create some anger, because the policy has been there; to dismantle that now would be a problem. But as a politician you are the one that is making the decision, and you should make a decision that is good for the province and for the country. You should say that you come to this country and you have to be Canadian; you can't be a hyphenated Canadian. I'll tell you, when somebody at the dinner table says to me, "You know, this is what's not good in Canada," I say to them, "If you don't like it, go." That doesn't mean Canada is perfect. I came here; if I see that something is not good, I try to contribute. One thing is that I suppose you're going to upset some people. But how would you do that now? Like I said, we have to make ourselves Canadians, and how we do that is: don't make each of us pull our own way. We keep doing that. As you said, politicians probably are the culprits in this.

MRS. GAGNON: So intercultural things more than multicultural.

MR. RAMJEEAWON: Yes. If I want to preserve my culture, it's up to me. I can raise money and do that on my own. I think what government should do: "Oh, we are proud you belong to this part of Canada's mosaic, but you are Canadian."

MRS. GAGNON: Thank you.

MR. CHAIRMAN: Thank you very much. Jack, you mentioned recognition that Quebec is indeed a distinct society, and you briefly mentioned Meech Lake. Of course, that is a dead horse today, and we're looking for a new way to ensure our relationship with Quebec. Would you have supported Meech Lake and its distinct society?

MR. RAMJEEAWON: Well, I thought it was a stepping stone. I would have supported it, and I did support it.

MR. CHAIRMAN: Okay. Well, it's interesting to find somebody who did. Thank you very much. I appreciate very much your presentation.

Jim Prentice. Good morning.

MR. PRENTICE: Mr. Chairman, good morning. Do the committee members have my brief? I submitted it relatively late yesterday. If not, I have copies.

Mr. Chairman, I appear today as an individual Canadian. These are my personal views and not the views of any organization in particular. I am not an expert in constitutional law, although I am a lawyer, nor am I yet bilingual. I point out by way of background some of my experiences as a Canadian living and working across this country. I point out in particular that I care deeply about Canada and I regard Quebec just as I regard Alberta, as a very important, special, and inseparable part of our country.

I compliment the committee on an excellent discussion paper and on this very important process. The comments I would like to address are raised under five separate headings: first of all, comments on the status quo; secondly, the role of Alberta; thirdly, the specific subject of Quebec – and my comments in that regard focus particularly upon the distribution of powers, which seems to me to be the battleground that's emerging, if you will; fourthly, Senate reform; and fifthly, aboriginal self-determination.

If I could turn first of all to comments on the status quo, I would hasten to point out that I am not a defender of the status quo. Clearly, very fundamental changes to our political system are required, and I've not lost sight of that fact. But I think it's very important for us as Canadians to focus on what is right with this country and to continue building what we have been building. In my view, Canada has developed a very complicated and sophisticated and remarkably successful federal political system. That is something we should not lose sight of and something we should continue to build upon. Executive federalism in this country has been very successful, and the British North America Act, while not perfect, has proven to be a very successful and flexible political instrument.

9:52

I make these comments because certainly early in this debate about Canada and the role of Quebec and how we're going to achieve a constitutional solution I believe people were losing sight of the fact of what a truly remarkable country we have and how important it is to build upon the success we've had in the past.

In terms of where this committee is headed and in the context of the status quo, there are a very, very large number of issues raised in your discussion paper. I think the challenge for the committee will be to develop an agenda and also to attach a time line to that agenda. Very clearly – and it's evident to me just in the brief time I've been here this morning – it will not be possible for us as Canadians to achieve a solution to all the constitutional reforms which are being advocated before you. Very clearly, it's going to be necessary to priorize those reforms and first of all deal with the fundamental questions we have to address and, secondly, develop an agenda of issues which will have to be resolved realistically over the coming decade. I think it's very important that we keep that in context.

The role of Alberta to me as an Albertan is something very important. This committee received a very thorough submission from Dr. Meekison, which I have read, wherein he outlined the important role Alberta has played on the national stage in dealing with constitutional matters. I think leadership from Alberta is now more important than ever, and I would like to emphasize that. This province has a respected history in dealing with constitutional issues. In the context of Senate reform, which is something I want to address in particular, I think we are respected as an independent advocate of reform. It's also important that over the past many years Alberta's role on the national stage as a committed advocate of a strong Canada but also of strong provinces is something that is well known and respected elsewhere in Canada. I also think it's important that there have been similarities over time between certain positions advanced by the province of Quebec and certain positions advanced by the province of Alberta, and often at the constitutional table there has been an alliance of sorts. That brings to Alberta a very special credibility on the national stage, particularly at this point in time when the issues concentrate to some extent upon resolving the Quebec question.

The third area I wish to address is the subject of Quebec. It seems to me the issue is this, Mr. Chairman. How do we bring that political community, the province of Quebec, into a full, proper, and appropriate constitutional relationship with the balance of Canada? What I have set forth in my paper is my view that in looking at the current problem, it has to be examined in its historical and political context. We have been searching in this country for an appropriate constitutional relationship with the province of Quebec since the failure of the Victoria Charter in the early 1970s. The political circumstances in Quebec following the Quiet Revolution in the 1960s have given effect to enormous change in that province. Really, we have been struggling unsuccessfully since that time to properly achieve a constitutional relationship with that province.

I've quoted from the Pepin-Robarts task force on Canadian unity. Their report was entitled A Future Together, and they had several interesting things to say. This report was released in January of 1979. The committee noted:

> In our judgment, the first and foremost challenge facing the country is to create an environment in which duality might flourish; the second is to provide a fresher and fuller expression of the forces of regionalism in Canada's constitutional system and power structure.

They go on:

> Balance is of critical importance in all free societies. It is doubly so in a federal and culturally plural state; balance between "province building" and "nation building," between the construction of a distinct society in Quebec and its membership and participation in Canada as a whole.

I was a supporter of the Meech Lake accord, Mr. Chairman. I spoke in public on several occasions in support of that accord. It was a great disappointment to me that it collapsed as it did.

The current difficulties with Quebec – if you read the Allaire committee report, which I know committee members have, the current issue now is focused upon the distribution of powers contained in our Constitution. In my opinion, the appropriate balance between the interests of Quebeckers and the interests of all Canadians can be found in acceptance of the concept of varying status federalism. In my mind this will require some refinement of the distribution of powers in our Constitution as between areas of federal jurisdiction, provincial jurisdiction, and concurrent jurisdiction.

To me the solution in many respects – and I believe constitutional reform should take place incrementally – lies in a gradual and cautious expansion of the areas of concurrent jurisdiction. Clearly there will be areas of exclusive federal jurisdiction, and I've outlined in my submission what I think those should be. They focus in the main upon federal jurisdiction over our integrated national economy and federal jurisdiction with respect to Canada internationally. As well, clearly there will be areas of provincial jurisdiction. Control over natural resources is the obvious example. But the solution in my mind between the interests of Quebeckers and the interests of the remaining provinces in Canada lies in a gradual expansion of concurrent areas of jurisdiction. In my view, the distribution of powers set forth in our existing Constitution is one which was well suited to the time but is not well suited to current circumstances. One need only look at, for example, the current topic of the environment. The environment clearly doesn't show up in our Constitution; it clearly is an area of concurrent jurisdiction. There is a valid federal role, a valid provincial role, and clearly a valid municipal role to be played in terms of dealing with our environment. So it is an area of concurrent jurisdiction.

As a Canadian who has lived and traveled across this country, I know there are remarkable differences in Canada. I do not see these differences as a threat. Rather, I see them really as a tribute to the success of the Canadian federal system. As an Albertan, I do not feel threatened or diminished in any way by the province of Quebec. I wish them well; I wish they will continue to be part of Canada. How Quebec occupies constitutional compartments which have been allocated to it is not something I am concerned about in the same sense that how Alberta occupies those constitutional compartments is something which is different.

In discussing the expansion of areas of concurrent jurisdiction, there are several important considerations that have to be addressed. There are those that argue that this course of action will lead to a disintegration of the country because inevitably it will lead to vast inequities as between different provinces. I believe that in a healthy federal state – and I've addressed this on page 9 of my submission – this will not necessarily be the result. First of all, the system of equalization payments we currently have must continue. Equalization payments will eliminate for the most part unacceptable inequities that exist between the have and the have-not provinces.

Also, I see an important role for the federal government in areas of concurrent jurisdiction in defining national standards and co-ordinating activities which are taking place across the country but by and large allowing provincial primacy in those areas of jurisdiction. I go back to my thesis that strong Canadian provinces will lead to a strong country, and that is something that is not to be viewed as a threat.

With respect to Senate reform, my submissions are brief. I would not want to be misinterpreted in that regard. I believe there are two fundamental constitutional matters which have to be addressed immediately in Canada. The first is a realignment of the distribution of powers so as to fully bring Quebec back into Confederation. Secondly is Senate reform. I believe our government should continue to press for Senate reform. I believe it is fundamental to this country and, as a legitimate western issue, is something which must be addressed immediately in the current round of constitutional discussions. I don't believe that any simple formula will necessarily result at the end of the day. It's my view that this committee and ultimately the Alberta government should pursue what is achievable and that we should negotiate the best arrangement which is possible and that our objective should be Senate reform which enhances the effectiveness and visibility of regional representation in our federal system of government.

10:02

My final comments are directed towards aboriginal self-determination. Again, I regard this as a very pressing issue, an area which requires priority. At the present time aboriginal Canadians are moving to their rightful place in Canadian society. I believe that leadership from Alberta, having regard to some of the achievements which we have in this province relative to dealing with our native people, is important on the national stage. Our constitutional development should proceed in tandem with legislative reform dealing with native matters; in particular, extensive legislative review of the Indian Act. The Indian people occupy a special constitutional role in this country by reason of our history, and it is something that we should not lose sight of in this period of constitutional revision.

Those, then, are my submissions, Mr. Chairman.

MR. CHAIRMAN: Thank you. You've given us an extensive brief, which we will read and which we will also share with the members of the other panel. They are receiving information, obviously, right now in Edmonton, and we're making sure that we share that information with our other colleagues. I'm sure there are some questions that have arisen.

Yolande.

MRS. GAGNON: Just to deal with the Senate. It looks to me by reading a number of publications and articles and so on as this evolves that those three Es are, you know, going down the road. I believe that Joe Clark has said that the Senators should be appointed by the provinces, so there goes the elected; others are saying it should be by region, so there goes the equal; and Mr. Horsman has indicated that the effective, or what powers they would have, has been one of the major issues of contention. Is there another term we can find that would maybe qualify or explain what this can achieve without sticking with the triple E idea?

MR. PRENTICE: I believe that the triple E Senate is a very good place to begin in looking for the perfect solution. I have historically supported the triple E Senate. Whether it is politically achievable in this country at the present time I think is the question, and I am told by people whom I respect that that is doubtful. I would like to see our government pursue Senate reform and be flexible in terms of the type of reformed Senate which results. But what is key is that there be a reformed Senate where there is an effective voice for regional interests in national decision-making. As I say, there are two fundamental political questions at the moment; that is one, and Quebec is the other, and they have to proceed concurrently.

MRS. GAGNON: Thank you.

MR. CHAIRMAN: John McInnis.

MR. McINNIS: I just want to be sure that I understand the model of concurrency that you're talking about. I think it has a considerable amount of merit because, if nothing else, it does reflect the reality of Canada, that so many of the jurisdictions are not crystal clear in terms of whose responsibility, and I think environment is a good example. It appears to me to fall under at least 10 different headings among the two levels of power. If I understand what you're saying, the provinces would have primary responsibility to administer in areas of concurrent jurisdiction, that there would be federal paramountcy in the sense that national standards could be set which the province ought not to fall below, but the provinces could bring in measures which exceed or go above and beyond national standards, if that was their wish, in the areas of concurrent jurisdiction. Am I following it correctly?

MR. PRENTICE: Yes. I see strong provinces administering, developing, and implementing their programs within their boundaries beneath an umbrella of a national government which defines standards, ensures that there is financial equality amongst the provinces, but doesn't interfere with the primary provincial jurisdiction in those areas.

MR. McINNIS: So the national standards would be a minimum; provinces could exceed those if they so wished.

MR. PRENTICE: Yes.

MR. McINNIS: Thank you.

MR. CHAIRMAN: Fred Bradley.

MR. BRADLEY: Thank you. Obviously, you've given a lot of thought in terms of the presentation that you've made and raised a number of different ideas and suggestions. You've commented in particular on the role of executive federalism and the arrangements whereby provinces and the federal government co-operatively can enter into agreements, whether it be through federal/provincial conferences or interprovincial agreements or different arrangements. Currently in terms of setting national standards, there is the mechanism in place through executive federalism and provincial ministers' meetings to arrive at these standards. Do you see the standards being set unilaterally by the federal government, or in a co-operative mode by agreement with the provinces? Which is preferable in your mind?

MR. PRENTICE: That's a very good question. If you move towards acceptance of concurrent powers, in my view it places pressure upon executive federalism. Executive federalism becomes really key to working out those national standards. In my view, concurrent powers would expand the role of executive federalism, and I think that is good because I think we have a remarkable history of successful executive federalism in this country. I mean, there have been disasters, but by and large it has worked remarkably well. If you have concurrent powers and if there's going to be a commitment to fiscal responsibility and streamlined government, it will be imperative that all levels of government work together to ensure that programs are administered efficiently and that national standards which are achievable are defined.

MR. BRADLEY: I have a second question related to the areas of provincial jurisdiction. You say that the province should be provided sufficient fiscal room in areas where they have primary jurisdiction and they should have a concomitant ability to raise sufficient revenue to pay for these programs. There has been concern expressed about the use of the federal spending power to achieve objectives within areas of provincial jurisdiction. Do you have any comment on the use of the federal spending power? I know Meech Lake had a limitation on that. Do you support that view, or do you have a different view on that?

MR. PRENTICE: I would rather see us do directly what we are trying to do. The difficulty with shared-cost federalism is that the federal government by controlling the purse strings effectively has control over the types of programs that individual provinces administer, so we are in a sense doing through the back door what we don't do through the front door. I think the better way to deal with it is to have it on the table, have these areas as areas of concurrent jurisdiction, work together to define national standards, and then ensure that there's adequate, as you say, fiscal room for each province to fulfill their obligations.

MR. CHAIRMAN: Bob Hawkesworth.

MR. HAWKESWORTH: Thank you, Mr. Chairman. I really appreciate the brief you've presented this morning, Jim. It's I think very thoughtful and in an area where we're struggling to find some alternatives. You mentioned, quite correctly I think, that the failure of the Meech Lake accord has sort of created this benchmark against which our future proposals to Quebec are going to be measured, and it may have created the minimum that would have to be provided for Quebec to sign the Constitution, become part of our constitutional family. How would you characterize what you're putting forward as being different? Maybe this is really what your answer to Mr. Bradley was about. How is this proposal different than what was on the table with the Meech Lake accord?

MR. PRENTICE: In terms of this proposal, you're speaking of my suggestions?

MR. HAWKESWORTH: Yes; your suggestions.

MR. PRENTICE: I think it's quite different. I think the requests that were made by Quebec and satisfied in the Meech Lake accord were very minimal. There were, I think, only symbolic requests which were sought, and some constitutional expert has said that only in Canada would codifying the status quo create such an enormous problem. I don't think that a lot was asked for in the context of Meech Lake.

Now, if you have regard to what's developing in Quebec now, in particular the Allaire committee report, they of course are seeking a very fundamental realignment of the distribution of powers. I think the concept of concurrent powers gives us a way to respond to Quebec. Because some of the areas which Quebec is saying should be areas of exclusive provincial jurisdiction – I think the other provinces in Canada rightfully feel that it should be areas of concurrent jurisdiction. That will perhaps give Quebec the flexibility to explore where it is that they want to go, and it accords the same ability to other provinces. All provinces in that sense are equal. Alberta would have the same access to areas of concurrent jurisdiction as Quebec would have. Perhaps Quebec would go further in those areas than any other province, but I see that as part of the healthy ebb and flow of Canada and the type of federalism which we've developed in this country over the past 125 years. I think in Quebec even now you can see the debate changing, the focus changing. I think there is increasingly less interest in independence and more interest in some sort of a federal, balanced state.

10:12

MR. HAWKESWORTH: Just one quick question in follow-up. One of the concerns with the Meech Lake accord was the rigid amending formula that was created, with every province having the requirement of unanimity in some key areas, not all areas but in some key areas, of the Constitution. Have you got some thoughts on that? Was that acceptable, or is there some other way that we could sort of give Quebec assurances over its vital interests without hamstringing the entire amending process in the future?

MR. PRENTICE: That's a difficult area, of course. I'm waiting with interest to see what results from the federal House of Commons' committee which is looking at the amending formula. Clearly, the formula that was contained in Meech Lake was the best that was achievable at that time. Subsequent events proved that it was not perfect, but I don't think it's clear yet what is achievable in that regard.

MR. HAWKESWORTH: Thanks.

MR. CHAIRMAN: Thanks very much, Jim. You've given us a very thoughtful brief. Just one quick question. We've heard suggestions that the parliamentary system should be scrapped and another form brought in and that provinces with existing boundaries should also be blended in. Are you satisfied with the status quo relative to the parliamentary system and the current boundaries of provinces?

MR. PRENTICE: Dealing with the provinces first, I am satisfied. I don't think a federal government in a country as broad and diverse as this country can possibly administer the government to the people as sensitively as is required. You clearly have to have provinces involved, and I think the provinces which we have by and large work very well. I'm very proud to be an Albertan. I know people in Quebec are very proud to be Quebeckers. I hope that we can all see ourselves as Canadians and work together. I support the provincial boundaries we have, and I hope that in time we will bring in new provinces which are currently territories.

With respect to the parliamentary system I support our parliamentary system of government. I'm not in support of a republican system of government. I do believe that our national Parliament requires reform in the sense that the second Chamber, the Senate, must be made more effective, and it must be made an effective voice for regional interests. But I think that once we have done that, many of the problems we see and many of the issues you have identified in your report will begin to melt away because the Senate will become the effective voice for the resolution of those issues.

MR. CHAIRMAN: Thank you very much.
Michael Zwack.

MR. PRENTICE: Thank you very much, Mr. Chairman.

MR. CHAIRMAN: Thank you.
Good morning.

MR. ZWACK: Good morning. Mr. Chairman, members of the committee, my name is Michael Zwack, and as president of the Alberta Liberal Party I appreciate the opportunity to share with the committee some thoughts about future constitutional directions for Canada and Alberta which have been developed by the Alberta Liberal Party.

Let me begin by saying that the future of our country and of our province is far too important to allow partisan motivations to colour the positions which are taken in this process. The ideas which I am about to contribute were developed not by the need of the Alberta Liberal Party to find a position unique from that espoused by our present government but instead were developed by soliciting, listening to, and analyzing the reaction of Albertans from all walks of life and persuasions to the ongoing public debate, and by then confirming the conclusions the party had drawn from their observations through the gathering of some empirical evidence. I feel so strongly that altruistic motivations must dominate this process that had our ideas been developed in any other manner, I would not have volunteered to present the position of my party. If the fact that this is my party's position will somehow detract from the weight of this submission, I state that I also share these views as an individual.

Canada's Constitution and Charter of Rights and Freedoms was established in 1982. While not perfect, it does provide us with a sound foundation that can be developed. The Alberta Liberal Party feels that it was unfortunate that the province of Quebec did not sign the 1982 agreement, and since it is important to all of Canada that Quebec feel a part of Canada, we therefore must do whatever we can within certain parameters to accommodate Quebec. While I believe that we may need to discuss other issues with the people of Quebec to allow them to feel more a part of Canada, the Alberta Liberal Party cannot agree that one province should have special status or more rights than any other province. Yes, the French language and culture is unique and special, but the maritime provinces, the north, other provinces including Alberta have unique histories and should receive equal status. Again, we may have to make some allowances for historical differences, but the premise of equal provinces must be the overriding factor.

Currently our federal system limits regional impact on national decision-making because we have one national elected House that is weighted in favour of central Canada due to the principle of representation by population. We believe strongly that if provinces are to have equal status, there must be some form of equal representation in Ottawa. It is vital to the provinces with smaller populations and ultimately to the long-term survival of Canada as a whole that we have an equal, elected, and effective Senate. The democratic principle of representation by population will continue to be practised in the House of Commons, while the upper House would uphold the concept of equality of all provinces.

A logical extension of the notion of equality between provinces is the notion that each person in Canada have equal rights wherever she or he may live. Now I'll raise three points that address this fundamental belief.

First, the Charter of Rights and Freedoms must be paramount in any constitutional discussions or changes. Each Canadian's human rights must be protected above all other considerations. A nation's strength can be most clearly judged in the way it treats its minorities. Canada has come a long way in this regard, but we can never compromise this principle.

Second, in order for each Canadian to have equal access to the services and institutions of this great nation, the federal government must take the lead in establishing and maintaining national standards in the areas of health, education, and social welfare. If we are to provide each Canadian with equal opportunity to participate in society, the child in Corner Brook, Newfoundland, must have access to the same standard of education as the child in Rosedale. This can best be achieved through the establishment of national standards. It is ironic that by 1992 it will be easier for a person trained in France to move to Germany to work than it is presently for a person trained in the maritimes to work in the west. It's important to the maintenance of equality for all Canadians that interprovincial barriers to mobility, trade, and employment be completely eliminated.

Third, on the issue of transfer payments it is critical to remember that our Confederation is built on the understanding that over time some provinces will be wealthier than others, that there should be some method of the wealthier provinces helping the less affluent. The Alberta Liberal Party believes that this practice is simply nation-building. It's responsible and must continue. Over the past two decades Alberta has been on the giving end, but we should not lose sight of the fact that someday we could be on the receiving end.

The ties which hold this country together are becoming more and more tenuous with the passage of time. The significant interprovincial trade barriers persist. Provincial governments consistently promote initiatives, oblivious to the long-term impact on the country as a whole. I can give one example. We're the source of amusement to the world economic community at times as trade representatives from various provinces run into each other at international trade conferences. Provincial governments continue to clamour for increased powers in many areas without completely endorsing the concept of minimum national standards.

10:22

In summary, what the Alberta Liberal Party is proposing, based upon what the people of Alberta are telling us, is that we take a step back, look at the big picture, and try and implement the following: an elected, equal, effective Senate; a constitutional package which enshrines equality among all provinces and all Canadians; a continuation of the stability offered by a system of equalizing transfer payments; national minimum standards in the areas of health care, education, and social services; and a dismantling of provincial trade barriers. On the procedural side, let these ideas be debated and finally implemented by the people of Canada through the mechanism of a constituent assembly.

I'm going to digress from my prepared text for a moment and say that all the ideas that you're hearing and the contributions that are being made by the people of Alberta are all good ones, but if they are finally implemented by the politicians at the national level, at a first ministers' meeting or that type of situation, there will always be some disgruntlement with the decision that's made. But if the people of Canada come together and finally make the decision as to what they want their country to look like, and this includes the people of Quebec, we can put the internal squabbling and power brokering to rest for a long time.

Let us remember that we are Canadians before we are Albertans. A strong central government is critical if we wish to achieve those things which I've just mentioned. The strategy of systematic decentralization of political power in our country will only lead to further fractionalization and a continued decline in our collective fortunes.

I've one last issue to raise, and I've left it to the last not because it's less important but rather because I believe it's urgent and deserves underscoring. Canadians from coast to coast have been expressing remorse and sadness about the way we've treated the citizens of our First Nations. It is unconscionable that we have left the tragic state of affairs this long, and no constitutional reform can be meaningful without the inclusion of our First Nations in the discussions and without addressing their very valid concerns.

Thank you again for this opportunity.

MR. CHAIRMAN: Thank you, Michael. Questions?
Yes, John McInnis, then Gary Severtson.

MR. McINNIS: Can you clarify, Michael? Is this an official submission on behalf of the Liberal Party, or are you speaking as an individual giving your own ideas?

MR. ZWACK: It's an official submission on behalf of the party.

MR. McINNIS: I got kind of confused, because we had one yesterday from the University of Calgary Liberals. I take it they're on their own. Yours is the official party submission.

MR. ZWACK: That's correct.

MR. McINNIS: Two questions about what you said. One, the constituent assembly: is there any position on how big an assembly and how the members of the assembly would be chosen?

MR. ZWACK: There isn't as yet. Discussions are ongoing on that point. There are several views. There are some views that the percentage of elected officials should be kept to a minimum and that the people of the various regions of the country should be electing their representatives to attend these constituent assemblies. But no, there is nothing concrete as yet.

MR. McINNIS: So it might be elected; it might be appointed; it might be a combination of the two.

MR. ZWACK: That's correct.

MR. McINNIS: Secondly, I wasn't quite clear what you were saying about aboriginal people. What I heard you say was that their needs have to be considered this time around. Are you thinking that that would happen through the constituent assembly, or were you actually saying something more than that in terms of how aboriginal issues come into the process?

MR. ZWACK: What I'm saying is that there's a presumption that the aboriginal peoples will have a very strong voice in a constituent assembly type of scenario. The people attending that type of assembly will want to take all these matters into consideration. There's a very high probability that they'll be dealt with adequately in the eyes of the First Nations at this type of situation.

MR. McINNIS: It's difficult for me to understand how you'd have a process where all of these issues would be decided but start off with so many issues already decided in terms of special status, national standards, equalization, trade barriers, all of these other things. How would you see that working? Would you be content just to let the constituent assembly go at the problems brand-new, or are you saying that these other points in your submission are sort of preconditions and then the constituent assembly has to accept those and then work from there?

MR. ZWACK: No; your former assertion is the correct one. The people of our country must ultimately decide what their document, the Constitution of this country, is going to say. The ideas that the Liberal Party has developed have been developed by listening to the people of the province and soliciting their opinions, and some further thought has gone into it in trying to determine what the ramifications of them would be. We're submitting that this would be the optimum scenario in our eyes at this point in time, but we cannot impose anything on the people of the country anymore.

MR. McINNIS: Finally, would you support having the results of the constituent assembly ratified under the existing amending formula, or a referendum or some other type of a ratification process for the outcome of a constituent assembly?

MR. ZWACK: I don't know if the party has a position on that. I can answer that my personal view is that a ratification under the existing amending formula would be adequate, but that's just a personal view of mine.

MR. McINNIS: That would essentially be the same as the Meech Lake accord: unanimity, all provinces and the federal government.

MR. ZWACK: I haven't given it a great deal of thought; I'm sorry.

MR. McINNIS: Okay; thank you.

MR. ZWACK: Thanks, John.

MR. CHAIRMAN: Gary Severtson, then Jack Ady.

MR. SEVERTSON: Thank you, Mr. Chairman. Michael, I'm on the same issue of the constituency assembly. Presently, under the '82 Constitution we've got a mechanism to amend the Constitution, so would we have to go to that group to approve that process of constituent assembly, to give them the power to amend? I don't know how you would start off with a constituent assembly. Who decides that we go to a constituent assembly? Do we give the constituent assembly the power to do all the Constitution? We'd have to get unanimity or the amending formula at present to give that body the power, or how do you see it?

MR. ZWACK: Admittedly, there are some procedural difficulties with this and the concept is not concrete in how it would work on these technical aspects. What I would say is that it's obvious that through the Meech Lake process and beyond there's a need for Canadians to speak out and develop their own Constitution. I think if that type of assembly was endorsed by the first ministers of our country, that assembly occurred, and there were some decisions made at that assembly, it would behoove our first ministers and our governments to ratify the results of that assembly.

MR. SEVERTSON: So I guess you say that the way to amend the Constitution is to get all the first ministers together and ratify the constituent assembly process and give them the power to do it. Who then would draw up the boundaries? That in itself, away from all the other issues you mentioned, would be quite a debate, just to accomplish that feat.

MR. ZWACK: We're facing an enormous challenge, absolutely. The constituent assembly may not be the way this ultimately gets settled, but the point I'm trying to make is that the people of Canada have to feel some ownership in their constitutional document, and the only way to do that is to really put them into the process of actually making decisions.

MR. SEVERTSON: The last one, Mr. Chairman. Don't you feel that our present elected assemblies and the federal government are chosen by the people now?

MR. ZWACK: There's a very real feeling among the people of Canada that the views of the Canadian people were not represented at the last round of constitutional talks, and I think that's where this idea stems from.

10:32

MR. CHAIRMAN: Thank you.
Jack Ady.

MR. ADY: Thank you. My questions centre around your position on national standards. Just to use the two specifics of education and health care, the federal government certainly has some involvement in setting the standards of health care, yet we see them withdrawing their support financially. I think I'm on safe ground to say that it doesn't really matter what political stripe is in office in Ottawa, we see this tendency. So this is nonpartisan. How would you propose to ensure that if the central government is going to be allowed to set the standards, they continue to pay a reasonable share of the costs, in view of the trends that we're seeing?

MR. ZWACK: Once we have a new constitutional document in place and some of these other things enshrined in it, my hope is that there will be a new spirit of co-operation and that the agreement of the provinces and the various jurisdictions of the country to maintain a national minimum standard will obviously have to be on the basis that they will be adequately funded by the federal government.

MR. ADY: Okay. Now I want to touch on something that's really sensitive and is probably very dear to all of us, and that has to do with our health care system and probably our advanced education system and the system that's been set up on social services across Canada. We've had people come before us in the last week who have talked about the fact that we do have these very good services in Canada and specifically in our province. However, in the process of the last 15 years, as they've come into place, the federal government has amassed a $400 billion debt, and there is a cumulative debt of probably another $200 billion across Canada at provincial levels in an effort to support the social safety network that we have. How does your party propose to alleviate that circumstance with the process that you'd put in place?

MR. ZWACK: I'm not sure I understand the implication of your question. There are financial constraints, obviously, and you're talking about: how do we ensure that there are national minimum standards with respect to health care?

MR. ADY: Well, I'm talking about the fact that we have a very desirable and rich social network, yet we find ourselves buried in debt in this country. Do you not think that in some way . . . Well, let me put it this way. Some presenters have come before us and said there has to be a rationalization. Does your party see a need for that? How are we going to pay for it, taxes being where they are and probably cannot rise much more on the Canadian people?

MR. ZWACK: I fear I may be crossing over the boundary and into some partisan policies, and I'd just like to reiterate my understanding of the Alberta Liberal Party caucus's position on health care and that type of thing, and that is that the existing services can be maintained for all the people of Alberta and the people of other provinces if they're simply administered more effectively. There's a myriad of imaginative ways available to cut down on the costs and still deliver the same service to the people of the province, and I would hope that the dollars don't ultimately prevent us from imposing these types of national minimum standards.

MR. CHAIRMAN: Thank you, Michael. You've been asked a number of questions. I think everybody agrees that we've got to dismantle interprovincial trade barriers. Are you a lawyer?

MR. ZWACK: Yes.

MR. CHAIRMAN: Well, you'll appreciate, then, that in Quebec there's a French Civil Code in effect and the rest of the provinces operate under the British common law and that that in itself creates a form of interprovincial trade barrier relative to a person trained as a lawyer in the British common law system not being able to automatically move into the Quebec legal system and vice versa. I doubt that you're recommending that we eliminate either the French Civil Code in Quebec or the British common law system in the other provinces. Would you, then, recognize that there are going to be some things like that which can't be changed in terms of the free mobility of people throughout Canada? That's just one example.

MR. ZWACK: There are going to be some restrictions, yes.

MR. CHAIRMAN: But we want to minimize them as much as possible?

MR. ZWACK: Absolutely.

MR. CHAIRMAN: Okay. Thank you very much.

We're going to take a break. I think everybody could use a stretch. The next presenters after the break will be the University Women's Club of Calgary.

[The committee adjourned from 10:37 a.m. to 10:48 a.m.]

MR. CHAIRMAN: I'd like to commence once again, if I could please have your attention at the back of the room.

The University Women's Club: Heather Peirce is presenting on behalf of her fellow members.

MRS. PEIRCE: Hon. members of the Constitutional Reform Committee of Alberta, on behalf of the University Women's Club of Calgary, a member of the Canadian Federation of University Women, I am presenting this submission in response to your discussion paper. We have it divided up into several sections. I'm going to be speaking on many of the issues that have already been addressed this morning.

The current system of government that exists in Canada today provides enough flexibility for Alberta to succeed as a province. Because of great technological change and the need for a global perspective, matters that were once strictly of local concern – such as environment, education, and economics – are now of national importance. The functions that are most appropriately performed by the federal government include the establishment of minimum standards in such areas as education, environment, and health care delivery. This still leaves the provinces with considerable flexibility to enhance these minimum requirements.

With the increasing mobility of the Canadian population, we believe such minimum standards are necessary. No province should be able to opt out of these standards, and all provinces should have identical responsibilities for the delivery of such services. If a province decides to leave Confederation, it should no longer have any ties, economic or otherwise. That province should also pay off its share of the national debt. The division of power between the various levels of government is confusing to the population at large and political representatives as well. There has to be a careful consideration of division of power, with the realization that some jurisdictions must remain as shared responsibilities. These would include agriculture, forestry, immigration, fisheries, and trade.

As a group that is national in scope, we believe that a balance must be maintained across the country. The wealthy provinces need to help the poorer provinces to ensure the same quality of life for all Canadians. Equalization payments are necessary. The federal government should be allowed to attach certain conditions or minimum standards to federal transfers. National standards would not hamper the ability of the provinces to respond in a timely fashion to local needs and interests.

Interprovincial barriers to trade should be eliminated. Our concern is that it's easier to trade with our U.S. neighbours than it is with our provincial counterparts.

I'll be brief about this one. We do think that Senate reform should remain a priority for the government of Alberta. Quebec should be allowed to protect its cultural and linguistic traits that make it a distinctive part of Canada. However, we want Quebec to follow the minimum federal standards mentioned earlier, as should every province. These cultural and linguistic traits can be better protected in a strong federal system.

Any look at Canada's structure must consider the needs of the native peoples. This past year has vividly demonstrated the problems that can occur when questions of native government and land claims are ignored. We uphold the basic rights of native peoples as contained in the Charter of Rights and Freedoms. We feel that negotiations with our native peoples to resolve their grievances should be a priority.

All decisions taken at First Ministers' conferences should be discussed by provincial Legislatures and Parliament. These conferences should be in an advisory capacity only.

The use by some provinces of the notwithstanding clause concerns us, as it would enable either a province or the federal government to override the rights included in sections 15 and 28 of the Charter of Rights. It is important that the next constitutional amendment include explicit provisions guaranteeing equality rights not only for women but also for aboriginal peoples, persons of Canada's multicultural heritage, and the mentally or physically disadvantaged. As a democratic nation our constitutional rights are absolutely essential if we are to maintain our individual rights and freedoms.

As to the means of public participation in constitutional change, we question the value of a constituent assembly. For such an important issue as the amendment of our Constitution, the elected representatives provincially and federally should vote in a nonpartisan manner, reflecting the wishes of the majority of their constituents. Forums such as this are an effective means of encouraging public participation and of informing our public officials about the attitudes of their constituents. A referendum on constitutional change is also not an appropriate approval mechanism in a federation as diverse as Canada. Costs are high, a strong lobby group can sway voters, the way the question is worded is often leading, and the ultimate decision still rests with the larger, more populated areas. A joint federal/provincial commission should review any proposed amendment.

To reiterate, we encourage Alberta to recognize the value of a strong federal system that allows for regional flexibility. We appreciate this opportunity to enter into the debate on Canada's future.

MR. CHAIRMAN: Thank you very much. Questions? John McInnis.

MR. McINNIS: Mr. Chairman, I have a question with regard to the question of national standards.

MRS. PEIRCE: Yes.

MR. McINNIS: Do you see that the national standards should be set by all of the provinces getting together and doing so if they wish, or are we actually talking about the federal government setting strong standards on behalf of all Canadians?

MRS. PEIRCE: I think the tone of our whole presentation is that any of these decisions that are made would be made on a federal/provincial basis. All right? Does that answer your question?

MR. McINNIS: In the model of what they call executive federalism?

MRS. PEIRCE: Yes.

MR. McINNIS: Thank you. Also, I just wanted to be clear. I understood that you don't want section 33 to apply to the equality rights under 15 and 28 of the Charter.

MRS. PEIRCE: Section 33?

MR. McINNIS: Section 33 is the notwithstanding clause.

MRS. PEIRCE: Oh, yes. Yes, because we feel that any province could at any time opt out of some of these things, and we want these rights enshrined in the Constitution and not be allowed to be changed.

MR. McINNIS: I agree with you, but would you extend that to the balance of the Charter? I mean, there are some parts that are already exempt, primarily the right to vote in the structure of our democratic government. Would you extend that to the other rights in the Charter?

MRS. PEIRCE: I must admit that I would have to go back and read all these sections before I could make an opinion on that.

MR. McINNIS: Fair enough.

MRS. PEIRCE: All right.

MR. CHAIRMAN: Yes, Yolande.

MRS. GAGNON: Thank you. You mention the fact that Quebec needs certain rights to maintain its culture and language.

MRS. PEIRCE: Yes.

MRS. GAGNON: I guess one of the things that I'm concerned about is the myth that Quebec culture is homogeneous and that everyone there is the same – it's a myth about the rest of the provinces as well – and also the myth that French-Canadian culture is exclusive to Quebec and doesn't exist outside of Quebec.

MRS. PEIRCE: Yes.

MRS. GAGNON: So I think that we have to maybe talk about minority rights across the country, not just giving Quebec certain distinct rights which may threaten their Anglophone minorities, for instance, and the same outside of Quebec. Can you maybe expand a little on that idea that yes, they need that, but maybe others need it as well because they have minorities? They don't have a homogeneous culture.

MRS. PEIRCE: Well, let me just look back here. We did mention that we felt that the rights of persons of Canada's multicultural heritage should be enshrined in the Constitution.

MRS. GAGNON: No matter where they live.

MRS. PEIRCE: No matter where they live, yes. That's what this would apply to.

MR. ADY: My question centres around the national standards, specifically on education. We've had several presenters come before us who have been very adamant – and I assume that in national standards you're talking about kindergarten right through to grade 12 and secondary education, the whole way.

10:58

MRS. PEIRCE: Yes. We're talking about all levels of education.

MR. ADY: They've indicated that they felt those decisions made closer to the grass-roots people would be more efficient, more effective for the people that they serve. They felt that people at the provincial level were just as bright and capable of setting good, progressive standards for education as they might be in Ottawa and that the central government doesn't particularly have any licence on being the most capable in those fields. How do you rationalize that?

MRS. PEIRCE: Well, I can speak for many of the members of our group who are teachers, myself included. With the mobility, particularly the people moving in and out of Calgary, for example – they'll come into my classroom and they will have done this the year before, but we haven't done. There are so many inequities in what each province does at the various levels of education that we felt that if there were some minimum national standards – now, I use the word "minimum" – that this would help alleviate this problem. But this still does not prevent a province from enhancing and building on these to a considerable degree.

MR. ADY: Just one further question on that. If the national government were to set national standards, and they were minimal, then provinces would have the right to exceed those?

MRS. PEIRCE: Oh, definitely.

MR. ADY: Wouldn't you, by that same token, then create this same unlevel playing field and destroy the mobility again? Because those who only met the minimum national standards could not move across to those that had an excessive standard.

MRS. PEIRCE: Well, let's face it. There are no standards whatsoever at the moment, so anything is a step in the right direction. Perhaps this is not the ideal situation, but it's a start.

MR. CHAIRMAN: Thank you. This is a very important issue, and since you are a teacher – we've had suggestions made that the Canada Council of Ministers of Education should really be doing a better job in co-ordinating the educational policies of the provinces without the federal government coming in with the establishment of a new federal department of education and all the attendant bureaucracy which would be associated with another level there. How would you react to giving that body greater responsibility and making it very clear that they had a role and a responsibility to come up with those national standards and leave it in the hands of the provinces?

MRS. PEIRCE: As you know, I'm speaking for a large group of women, and there are some questions that I feel I personally should not answer, that I should get a consensus on from my group. Perhaps this is one of the questions that I should take back to my group. Now, what did you refer to this group as?

MR. CHAIRMAN: The Canada Council of Ministers of Education. They meet on a regular basis, and one of things they recently came up with was an agreement as to a method of evaluating achievement and the uniform evaluation of achievement process.

MRS. PEIRCE: Yes. I read an article about that.

MR. CHAIRMAN: That hasn't come about yet; nonetheless, they've made good steps towards getting that.

MRS. PEIRCE: Of course, with evaluation of achievement it's only valid if all groups are doing similar things.

MR. CHAIRMAN: Of course, and that obviously, then, becomes the next role that they have to play.

Okay. Thank you very kindly.

MRS. PEIRCE: Thank you. I have a copy of our presentation.

MR. CHAIRMAN: And thank the members of your group for studying the issue and taking the time and effort and concern to let us know your views.

A presentation now on behalf of the Calgary Catholic school board. My advice is that John McCarthy and Madeleine Payne will come forward. If you'd like to proceed.

MS PAYNE: Good morning, and thank you for allowing us to come before you. My name is Madeleine Payne, and I am the chairman of the Calgary Roman Catholic separate school district No. 1. This school district is the first Catholic school district in Alberta. It was founded in 1885, 20 years before the province was constituted.

DR. McCARTHY: Mr. Chairman, my name is John McCarthy. I'm the superintendent of the Calgary Catholic school board, and I'm pleased to be here to share our views on constitutional reform and its impact on Catholic education in Calgary. We acknowledge that there are many issues impacting constitutional reform; however, we will limit our presentation to the history, nature, and special contribution which Catholic education has made in this province and throughout the nation. We represent the educational interests and rights of the 31,000 students in the Calgary Catholic school board. We have our 70 school communities, our 1,750 teachers, and our 1,000 support staff.

Our purpose in coming to you today is threefold: first, to dialogue with you concerning the history, the special nature, and the rich contribution which Catholic education makes to Canada and specifically to Calgary and the province of Alberta; secondly, to make representation concerning individual and communal rights to separate schools as guaranteed in the earliest and in recent documents of Canada; and finally, to confirm that we are interested in preserving the constitutional rights guaranteed to us in the British North America Act of 1867 and reiterated in the Canada Act of 1882 and enshrined in the Alberta Act of 1905. Be assured that we are interested in the present and future welfare of our schools and the academic tradition which continues to inspire students and staff to excellence in schooling and education. We want to ensure that any Canadian constitutional review preserves and nurtures the growth of Catholic public education.

We intend to limit our considerations to the effects that constitutional changes may have on our right to Catholic education. Obviously, the myriad of details concerning provincial rights, aboriginal rights, immigration, Senate reform, bilingualism, special status for Quebec, and interprovincial trade will be brought forth by others. In concentrating on the Catholic schools and their constitutionally guaranteed rights, we are conscious that constitutive changes in any of the areas listed above may influence our rights and obligations under a revised Charter and thus affect our rights under the Alberta Act of 1905.

Briefly, we require the assurance that Catholic educational rights will be maintained. These rights touch the original resolve of the founders of this country to recognize and respect diversity. They reflect that pristine resolve to live peacefully with our communal differences, knowing that as Canadians we would be one in admiration of family, support of neighbour, and loyalty to a united Canada.

MS PAYNE: Our ancestors, the early settlers of southern Alberta, held Catholic education in high regard. A Catholic school was one of the first institutions they established. We are a living sign of their determination to have schools supportive of their Catholic family life and inspired by an academic tradition which believes in a liberal education; that is, an education which could examine all human knowing, regardless of whether it be in the order of art, history, mathematics, science, literature, or theology; an education which could pursue the interrelatedness of all knowing; an education which respects the truths held and lived in Catholic homes.

We are proud of our schools and their contribution to Alberta and to Canada. Our graduates make significant contributions to Alberta professions; politics; religious, artistic, and athletic endeavours. However, we reserve our greatest pride for the thousands of students who celebrate Catholic education in their lives at work and at home. The province of Alberta is the richer through the work and effort of the Catholic schools of Calgary. Each of our 70 schools strives for academic excellence and the opportunity to support the parents who entrust their children to us. The quality of education and the visionary leadership manifested in our schools are exemplary in Canada and throughout North America. Students learn best in a school which is an extension of and a reflection of the values of their homes. They require a school which is a community willing to nurture their developing needs and founded on family principles. Calgary Catholic schools have a proud record of academic success and a history of graduates who remember their school with pride and appreciation. Our schools have been available from the earliest years of our founding to those who wish an education within this Catholic academic tradition.

11:08

Our schools are not churchy. It is a fact that our schools are related to and teach the traditions of the Catholic church, but they are not places of worship. They instruct with an academic tradition which is able to synthesize the truths of our culture and the truths of our faith. Catholic schools proceed from a principle: truth is one regardless of whether it is found in culture or in faith. Catholic schools do not attempt to convert or to prosel . . . I can't say that word.

DR. McCARTHY: Proselytize.

MS PAYNE: Thank you.

DR. McCARTHY: That means to convert.

MS PAYNE: Thank you.

Their first objective is to impart knowledge. A noted theologian and educator described a Catholic school as follows:

> A Catholic school is one in which God, His truth, His life are integrated into the entire syllabus, curriculum and life of this school.
>
> The Catholic school aims at academic excellence in every area without excluding God from any area.

Alberta has two public school systems: one follows an academic, cultural curriculum; the other follows an academic curriculum which integrates the Catholic faith and culture.

The Calgary Catholic school board supports the concept of two public school systems. Parents who wish their children educated apart from any faith consideration should have that right. The right and freedom to an education reflecting family values are important to us. Our tradition teaches that parents are the primary educators of their children. We support this principle as a right for all parents. The Catholic school, with its tradition of relating all knowledge, cannot replace schools choosing not to teach theology. By the same token, Catholic schools cannot be absorbed into educational systems that choose not to synthesize culture and faith.

DR. McCARTHY: Thank you very much. Mr. Chairman, as you can see, the next section deals with the Catholic program, and I think in the interests of time here I'll just indicate that it's there. The members of the panel can read that, I think, at their leisure. It just explains, you know, the essence of a Catholic education program. Since we're concerned with constitutional matters here, I think I'd flip over to page 7, Mr. Chairman, at the top of the page there.

The Canadian Catholic Schools Trustees Association submission in May of 1991 to the royal commission of inquiry into the delivery of programs and services in primary, elementary, and secondary education in Newfoundland stated:

> As Catholic parents, we are conscious of our responsibility to provide our children with an education which is whole and current. The truth which comes to us through our religious knowledge must be constitutive of and descriptive of our lives and a consideration in any schooling and study. It is preposterous and illogical to think that any part of the truth can be appropriately, politically or fashionably confined to certain places or times; logically, educationally and pedagogically truth must take its place in all our decisions . . . Truth cannot be taught in some selective manner which chooses the acceptable, avoids the controversial or that which might ask a great deal of us.

The Congregation for Catholic Education in their 1977 document The Catholic School states:

> The Catholic school strives to form its pupils' critical faculties so they can choose freely and conscientiously from what is offered by other sources of information in society. They must be taught to subject the information from these "parallel schools" to a critical and personal analysis, to take what is good and to integrate it into their Christian human culture.

Catholic schools represent a heritage which considers the integral life based on the academic tradition of Christianity and urges the young to choose the true as the basis of a free and humane society.

Our chairman will lead you through the last part, which deals with Catholic education and the Constitution.

MS PAYNE: Catholics obtained a right to Catholic schools in the British North America Act, the Canada Act, and, for Albertans, the Alberta Act. Catholics as a community were given a distinct right to access Catholic education. However, it is questioned whether a special right given to a group offends the spirit of equal rights for all as envisaged in the Charter of Rights and Freedoms. This question is asked, and it will be asked in any revision of the Constitution.

School systems have philosophies of education which state the principles which guide their academic programs, their hiring procedures, the involvement of parents in the education of their children, their relationship with governments, and the planned outcomes of education and schooling. Canadian education began with two Christian philosophies, one Catholic and the other Protestant. Over time the Protestant schools changed and have become nondenominational. Catholic schools remain researched, studied, and renewed to meet the demands of the modern day. As a result, we have two educational philosophies operative in Alberta: one nondenominational, the other Catholic.

The various Acts of Parliament and Legislatures which give legal status to Catholic education also give Catholic parents the right to access an academic tradition appropriate to their family. Such Acts to do not empower Catholic parents at public expense to educate their child in an arbitrary fashion. Rather, they empower them to choose an academic tradition recognized for its ability to produce competent scholars prepared to act reasonably and responsibly within a democratic society.

When considering the relationship of communal and individual rights, we must remember that at the time of Confederation, Upper and Lower Canada recognized that we were a people who had certain communal differences which were important to us individually. Those differences were built into the first Constitution, the British North America Act. The founding of Canada was not a melting pot of all cultures but rather a recognition of differences among people and a resolve to live peacefully with those differences.

In 1949 the British government, in granting the Canadian Parliament the right to revise the British North America Act, stated specifically that any changes in the BNA Act must not tamper with the school rights granted in section 93. Senator John Connelly, during the hearings concerning the repatriation of the Constitution, speaking to the delegates of the Canadian Catholic School Trustees' Association, referred to section 93 as "the ark of the covenant," without which we would not have had a Constitution.

Catholic communal rights to education take their place in our Constitution alongside other communal rights such as aboriginal rights and Francophone rights. Catholic schools have an obligation to be true to the British North America Act. They must represent the academic tradition which was recognized when Catholics were granted Catholic schools. The framers of the British North America Act were providing for a need for a distinct group of people the same way that they provide for the distinct needs of the Francophone people. This need to accommodate the educational needs of the Catholic people was illustrated by Thomas D'Arcy McGee, a Father of Confederation, in a debate in the Legislative Assembly at Toronto on June 3, 1853. He said:

> Teaching that two and two make four is teaching to reason – it is teaching the use of the mental faculties – and we must insist that every lesson in reason shall be accompanied by a lesson in revelation . . .

Catholic schools are staffed with teachers who are knowledgeable and supportive of the Catholic faith. This qualification is no more discriminatory than our insistence that teachers who teach physics should have a deep understanding of the science of physics. It is important that our schools be staffed with teachers who have a love of students, a love of study, have knowledge of the subject areas they teach, and a knowledge of and a loyalty to the teaching of the Catholic church. Catholic teachers carry the program and the pedagogy to fulfill the mandate of the British North America Act to provide Catholic schools.

We thank you for hearing the observations of the Calgary Roman Catholic separate school district relevant to possible revision of the Canada Act. Our communal right to Catholic schools and our ability as individual Catholics to access a Catholic public education are as Canadian as any of the group rights which existed when we first became a nation.

Thank you.

MR. CHAIRMAN: Thank you.

Yolande, I'm sure you will want to talk to your former colleagues.

MRS. GAGNON: I think I helped write this at one time and certainly spent 12 years of my life dedicated to this cause. I do want to say that it's probably wise that you bring this up, and you're not the first ones. We had groups I believe in Camrose, in Lethbridge, and in Edmonton come forward from Catholic school boards talking about denominational rights in education as they exist in Alberta. I say it's probably wise because although we seem to have resolved those issues years and years and years ago and we don't fight anymore about the Catholic and Protestant schools kind of thing, we heard even last night from Bert Brown of the triple E Senate – I'm sure he wasn't referring to this, but the statement was made that we must all be equal regardless of race, creed, and religion. If you push that to the extent of its meaning, it might threaten these constitutional rights, so I think you're wise to bring it forward.

I want to ask you something just a little different. In your opinion and from your experience – and I know you've both traveled a lot to a number of national conventions and so on – is education best left as a provincial responsibility? Should we look at concurrent responsibilities? Or should we shift it all the way over into the federal jurisdictional area?

11:18

MS PAYNE: I think it's best left with the council of ministers. I think they should be meeting more and working more together, but I think it's best left the way it is.

DR. McCARTHY: Mr. Chairman, I would just reiterate that yes, Yolande, education is a provincial right. The Constitution is clear on that, and certainly we're not advocating any change from that at all. There's been some talk this morning about the national standards and so on, and I think that calls for greater co-operation, but I think that's co-operation as opposed to actual constitutional change.

MRS. GAGNON: Thank you.

MR. CHAIRMAN: Thank you. I haven't ever heard section 93 referred to as the ark of the covenant before, but I see it referred to here in an interesting way.

John McInnis.

MR. McINNIS: The Catholic school system has a reputation for meeting the very highest academic standards, which is one of the reasons that it's so well supported in the province of Alberta and elsewhere where we have the opportunity. The question, though, of national standards comes up time and again, the fact that you move from one province to another and you may be ahead or behind in the curriculum. At higher postsecondary levels they have difficulty knowing what the student has done. Assuming that that might be the responsibility of the Canadian council of ministers – I'm assuming they've been in existence for half a century or so already – what reason is there to think that they would do that all by themselves in the next year or two? I'm just wondering if there isn't a case to be made for a national achievement standard, at least, in terms of educational performance.

DR. McCARTHY: Mr. Chairman, as the panel is aware, there is a project now before the council of ministers looking at the selected indicators. They're looking at a national test in which all the provinces would co-operate. Alberta is taking a lead in that. Alberta Education has been given the job of lead group by the council of ministers. The province of Quebec is also very active in this. It's under study now. It's in its preparation form, and it's supposed to be applied in 1993. Of course, the whole question of testing is a highly, highly complicated issue and so on, as has been brought out in earlier discussions this morning, and obviously they've got to take their time to do this. It's interesting that the province of Ontario has opted out of this. This is a voluntary exercise, and the idea is to draw up these tests and then to apply them all across Canada in order to get some initial data, because we have a remarkable paucity of data on student achievement at the national level.

MR. McINNIS: It's interesting to me that this comes down to testing. I sort of think that if we spent as much money on curriculum development as we did on testing, we'd be better off. I wonder if the fact that Ontario is not interested doesn't make the point that perhaps it's not going to happen all by itself, and perhaps we would need some leadership at the federal level in order to see that it does happen.

DR. McCARTHY: Again, Mr. Chairman, if I may. As I said earlier, you know, the Constitution is clear: education is a provincial right. I think every province, understandably, is jealous of that right. The way I see it is that the main contribution that the council of ministers can make is the sharing and the co-ordination and co-operation as opposed to legislative responsibility.

MR. CHAIRMAN: Thank you very much. There's no question that we are being asked by a number of people to substantially alter section 93 of the Constitution by inviting the federal government to play a role in a constitutional sense, and we have to weigh the submissions in that respect very carefully as we prepare our report as a committee to our Legislature.

DR. McCARTHY: Mr. Chairman, I was just going to say that clearly, as you can see, our presentation is that section 93 is really, really sacred to Catholic education because it's there that our guarantee exists. We would be vehemently opposed to any change in section 93 that could in any way remove the historic and constitutional rights of Catholic education.

MR. CHAIRMAN: One quick question then. Is there a difference between provinces relative to the level of the ability of the Catholic school system to maintain its rights under section 93? If so, where does Alberta rank in that?

MS PAYNE: Yes, there is, and Alberta I think has probably got the best in the country as far as our rights under section 93, much better than Manitoba and British Columbia.

MR. CHAIRMAN: There was a big controversy in Ontario, which I don't pretend to understand . . .

MRS. GAGNON: I'll explain it to you at lunch.

MR. CHAIRMAN: . . . on the issue in the general election just a short while ago.

DR. McCARTHY: That's right.

MR. CHAIRMAN: All right. I'll rely on Yolande's experience to explain it to me.

DR. McCARTHY: You'll find it very interesting, Mr. Chairman.

MR. CHAIRMAN: Thank you very much for your very clear presentation.

Next we are going to hear from a group of fellow Canadians. This group comes to us from la belle province de Québec. Bienvenue à la province de l'Alberta, to the task force on Canadian federalism. We have three presenters who will come forward now. We welcome the views of this group as they give Albertans some advice on where we should be in the new Canada.

MR. GRAY: Thank you, Mr. Horsman. My name is Julius Gray. I'm a professor of law at McGill University and the president of this task force. With me is Prof. Anastasopoulos from the department of economics at Concordia and June Weiss, a consultant in communications. We are a nonpartisan, nonparty, of course, task force working in the province of Quebec and dedicated to the preservation of Canada today. We are both English and French, and as you will see from our membership list, we have no restrictions whatsoever save, of course, our belief, which unfortunately is not shared by all Quebeckers but we are convinced is shared by most, that Canada must survive and that life in a different type of society would not be as good. We've prepared a presentation, and I've limited my personal statements to three plus a conclusion. Prof. Anastasopoulos will speak of the economic problems.

The first point I would like to make is that Canada is unthinkable without Quebec. We've heard, unfortunately, distressing opinions from the rest of the country from time to time. Again, I'm sure they're a minority. This morning, for instance, nothing of that sort came through at all, that "Let them go" is the proper policy. This comes from two types of opinions: people who are justifiably irritated with what I consider to be clear abuses of human rights and excesses of Quebec nationalism in Quebec, and those who, acting from an equally justified desire to please Quebec, turn a blind eye to those excesses and think that that is what Quebec needs or wants, so this sort of sovereignty is a good thing. Both positions are impossible, and the reason for it is the following.

I do not believe that the concept of Canada remaining without Quebec is at all a meaningful one. You would have some sort of entity here, but it would not be the Canada we know nor will Quebec be the Quebec we know. It would be different societies not able to face the competition of our powerful friend, ally, and neighbour and, I think in the case of the English provinces in particular, doubtfully able to resist the pressure of incorporation over 20 or 30 years. I think the idea of a Canada without Quebec is in itself a type of nonsense because Quebec and Canada have been inextricably together as partners in this country, and it would simply not be the same Canada. I think those people that say "Let Quebec go" imagine that things will go on much as they did except that there will be no Quebec. That is out of the question. Of course, the same lesson must be said, and we have been saying it, to the separatists: "You think Quebec will go on very much as it has been going on before. It's unthinkable. The services will not be there. The social pressures will be very different."

The second point, which follows from the first, is that bilingualism is an essential portion. We have been again hearing distressing and, I believe, absolutely minority views from other provinces saying, "Let's have two Canadas, one English and one French, in some sort of loose association." That is assuming that French culture is limited to Quebec, that English culture is not present in Quebec, that you can make that sort of division. I submit to you that bilingualism along with a compassionate society, with our social programs, are the things that have made us different from our neighbours, that make this society what it is. Any suggestion that we should make English Canada entirely English, live in English only and let everybody else live in French only if they want to, is pernicious and destroys Canada as surely as the idea of "Let Quebec leave, and we'll go on as we did." It'll have the same effect. Quebec will have no interest in staying in a basically unilingual English country, and I would not advocate that. Secondly, it will be an impoverishment for everybody, because the French language or the English language, as the case may be, is an enrichment to everybody whose primary language is the other one. Thirdly, the fundamental distinction of Canada, its nature, its soul, would not be the same.

11:28

Bilingualism should not be touched. That does not mean that Calgary will become fully bilingual. It does not mean that Chicoutimi will become fully bilingual. It means that both languages must be present across the country in different mixes, in different proportions, along with, I might add, some of the other languages – the native languages, languages from the other multicultural communities – though once again the official languages must have special and different status.

The third point I want to make clear, because so far I've been saying that Canada without Quebec and bilingualism is impossible, is that I think the Allaire report is utterly unsatisfactory as a beginning of negotiations. I'm saying this here in particular because some Quebec press reported that many Albertans said, "Well, that might be a good start; let's negotiate decentralization." I suggest to you that that sort of decentralization is absolutely not the recipe for a new Canada.

Firstly, the decentralized Canada would not be able to have the common standards and policies, the federal government would not have the tax revenue to enforce that, and it would simply fall apart on that standard. Secondly, Canada is already the most decentralized federation of the major federations. If we adopted the Allaire report or some form of Allaire report, the expense of keeping this type of network across two and a half thousand miles would not justify the types of functions the federal government, the federal bureaucracy would have. Let's remember that in Canada, if you take into account the redistribution payments, the federal government already spends less than the provincial governments of the total tax money. One has to be careful not to create a sort of rump federal government with no powers, because in the next economic crisis the obvious and justifiable answer will be: let's get rid of this expensive bureaucracy that doesn't do anything and only costs us money.

In other words, this type of massive decentralization only makes sense in one type of circumstance. If people believe that Canada must fall apart, then a halfway house for four or eight or 10 years as a way of softening the blow and making sure the investment doesn't leave right away would make sense. I totally oppose the idea that Canada must fall apart, and therefore I think the idea that we can negotiate total decentralization with Quebec is an absurdity.

I would also add that whatever we do, the nationalists in Quebec will not be satisfied. The leaders, what I call the nationalist mandarins, to whom I will get back, will not be satisfied with any solution. If you have a halfway house, two years later, the minute there's an economic crisis or a problem or anything, they'll say, "You see; we just didn't go far enough." At that point there will not be a sound structure to defend. It will be harder to fight against the next round of demands. So my suggestion to you is that the Allaire report does not present a hopeful type of thing.

Now, I want to stress that I have not said and I don't want to be understood as having said that the status quo is the only answer. We're very sensitive, for instance, to Alberta's concern about the Senate, to the possibility that powers might be redistributed. There are some that might be better done provincially, and I want to stress – in Quebec of course our message comes across as federalists who are accused of being status quo, and that's a dirty word – that the essence of federalism is not only a strong federal government but a strong provincial government. Otherwise, you have a unitary state, and nobody is suggesting that, certainly not us. So a redistribution of power, even major constitutional changes, is possible but not a major constitutional change which weakens the federal government. In our paper we say that the net effect should be about the same. We must leave a federal government capable of enforcing national standards and doing those things the federal government does better, in particular with respect to economics but also with respect to human rights and certain standards of that sort.

Before turning the floor over to my colleague to discuss economics, I want to make some conclusions. What are the conclusions? How are we to go about resolving this crisis? I must add that I think the crisis is terribly harmful because it diverts attention from the real issues, social and economic, that this country must face. The answer surely is that before we can dream of constituent assemblies or referenda or all these things, the heart of Quebec must be won. The way to win the heart of Quebec is not to appeal to what I call the nationalist mandarins. We will not convince Mr. Bouchard. We will not convince Mr. Parizeau. As for the government, Bourassa and Remillard, we will not get them off the fence. I think it is necessary for Canadians from all of Canada to go to Quebec and campaign there.

In particular, I think the nationalist mandarins in Quebec have been guilty of a propaganda campaign which has represented English Canada as uniformly rejecting Quebec. When some individual fool says something impolite to a Quebec visitor, that is headline news in Quebec newspapers. Quebeckers are thoroughly convinced that English Canada has rejected them. I don't even know what English Canada means anymore in a multicultural society, but I am certain the other provinces have not rejected Quebec. The message must be taken directly. I believe the Premiers, the leaders of the opposition, the artists, the scientists, business leaders, labour leaders from Canada should come to Quebec and, instead of speaking through the so-called leaders, speak to the people of Quebec directly. The message must be a firm one. It's not enough to say, "We want you because we want you and we want to preserve Canada," we must say firmly that Canada does not approve of the excesses of the language policies, not because the French language should not be protected but because those excesses, as the Supreme Court has said, are not at all necessary and are simply being used to whip up the type of sentiment which has led us to the crisis.

I think one must be firm and frank about the need for Quebec to observe those basic national standards of rights. We must also tell Quebec that because we are so devoted to this Canada, the compassionate society, the bilingual society, we will not be an easy partner to negotiate a totally easy, different type of arrangement. It's not a foregone conclusion, common currency, or all these things. These things must be said firmly and openly, but above all I think Quebeckers are waiting for an expression of affection, of respect, of a belief that the French culture exists across the country and not only in Quebec. I think that if other provinces go to Quebec and persuade Quebeckers of this, the mechanism of constitutional change, whether it's an assembly or a political mechanism or the present mechanism or any other, will become secondary. The battle will be won when Quebeckers, all Quebeckers, are able to be as firmly Canadian as, for instance, what we heard in the presentations this morning.

I will now turn the floor over for the economic part of our analysis.

DR. ANASTASOPOULOS: I would like to stress some aspects of the crisis we are facing. At the present we are talking about a constitutional crisis, and Quebeckers provided the impetus for that. However, I think Canada is facing serious economic problems which threaten Canadian unity. Some of the problems we are familiar with are high deficits and an inordinate tax burden and particularly low productivity of Canadian industries. This is a vicious circle. High deficits create a tax burden which chases away more dynamic industries and leaves the more inefficient ones.

The federal and provincial governments, particularly the federal government, are becoming less and less able to meet the economic needs of this nation. Now, in the past we had to build a country out of diverse religions and cultures. Governments had to give strong subsidies to industries based on the infant industry argument. But a nation was built which had a character distinct from its neighbours, and this is shown clearly from the views of Canadians on the role of the government, social justice, quality of life, and so on.

However, after some 200 years of application of this admirable policy, we still have serious problems that threaten the nation, serious regional disparities, conflicts among regions, and inefficient industries, which create a lot of dissatisfaction. Lately we have heard that the solution to that is decentralization.

There's a lot of other discussion and debate, but it's more at the emotional level. There's some vague notion of decentralization. Decentralization means that each region should be mainly self-reliant for its political and economic survival. Before we decide on the degree of decentralization, we should be aware of the efficacy of economic independence for small economies which depend greatly on national markets.

Now, there are very serious arguments, international developments, in favour of centralization. I will mention briefly large economies of scale which have resulted in strong multinationals. I will mention also the threat of flexible manufacturing, which makes small production units incapable of surviving economically. I will also mention the tendency for globalization and the movement of factors of production across borders. All these developments speak in favour of a strong federal government in the area of economics. Each region and its production unit by itself is incapable of regulating multinationals and negotiating closer economic ties with economic giants such as the United States. Each region needs to be protected from inevitable interventions of political institutions of the stronger economic units, especially when those outside institutions do not give high priority to its interests. If there is strong decentralization, inevitably each region will feel compelled to take advantage of the political benefits of the stronger region. If this unenviable scenario unfolds, Canada is bound to disintegrate sooner or later. Then I regretfully suggest that maybe we should make an application to join the United States now, because the debate is going to be long, drawn out, expensive, and will lead to the destruction of Canada in my opinion.

11:38

What we have now is a challenge. We have to face those serious economic problems that we mentioned before and try to discuss carefully what we are going to do about them. We have certain goals which are considered to be sacred. These goals made it possible for the nation to be built. Furthermore, abandoning these goals would seriously undermine the foundation on which Canada was built. On the other hand, the cost of pursuing these goals is responsible for high public debts and the low productivity of Canadian industries. The consequence is that Canada is becoming less and less economically viable, as we have argued before. We suggest that Canadians probably aim for more than they can afford or are willing to pay for or that the present political structures are not an adequate mechanism for achieving these goals. What needs to be done is to have a set of feasible goals according to the means we have available.

We have to re-examine self-evident truths and present them in public debate. Ideally, public debate should be done among political, business, labour, and education leaders across the country, drawing attention to substantive issues, not only to constitutional reform. For example, with respect to the economy, we should be considering a few political scenarios in restructuring the country and discussing the economic impact of such political scenarios. For example, if we have strong decentralization, the average Canadian should know what's going to happen to the standard of living, to the unemployment which will result in various regions. What will happen to the location of industries? In addition, we should discuss the adjustment process, how painful it will be to adjust to the new realities. Above all, as I argued before, we should discuss very carefully the pros and cons of Canada ceasing to exist as a nation. In my opinion, strong decentralization would lead to Canada ceasing to exist as a nation. Then after we have that clear in our minds, we should adopt the constitutional reform which is appropriate to implement these changes.

Thank you.

MR. CHAIRMAN: Thank you. Well, we've run substantially over your 15 minutes. I don't know whether you wish to make any comments.

We will try and get some questions in quickly. Yes, Fred Bradley.

MR. BRADLEY: I have a question relating to one of the first steps suggested in your brief, that there should be unilateral recognition by Ottawa and each province of Quebec's distinctiveness and special mission with respect to the French language across Canada. I want to ask you: did the distinct society clause in the Meech Lake accord satisfy that request?

MR. GRAY: It did, but it went much too far in another way. You see, I believe Quebec wants the recognition; I don't think it needs special legislative powers for this purpose. For one thing, I do not believe – and I think it's now generally established even in the Quebec press, if you read Mr. Henripin and people like that, that Quebec culture is not in danger as such, that there is no danger that Quebec will become English. I think there's a distinction between a recognition which should be there, which should be part of the statement of Canada, "We want Quebec," and legislative powers which the people I refer to as the mandarins of Quebec nationalism would not fail to use to suppress other rights. That's the distinction. I think the distinct society clause would have been perfectly fine had it been in the preamble or had it been accompanied by a restatement of the Charter rights. As it was, it was of course an open-ended thing and could have been used in any way. So I believe this type of declaratory statement would fulfill Quebec's need to know it is welcome without creating a precedent for some future misuse of rights when a government doesn't know what else to do and needs some exciting legislation.

MR. BRADLEY: Could you define what you mean by Quebec's special mission with respect to the French language across Canada?

MR. GRAY: Because such things as publishing and so on are necessarily centred in places which have the population base, Quebec obviously has a special mission. For instance, if you have a bilingual society, it's obvious to the rest of the country that many of the teachers of French must come from Quebec. Quebec must send its theatre groups, its cultural groups across the country. Quebec has a mission to maintain French across the country, not of course in a dominant position but as a viable language. It can only be done if there is such a thing as a Quebec inside Confederation. I think that could be understood by all Canadians. Quebec is in a special position in that it can print French books, French newspapers, provide French culture. But Quebec doesn't need special legislative powers for that.

MR. CHAIRMAN: Yolande Gagnon, then John McInnis.

MRS. GAGNON: I think it's so very true that French culture is not exclusive to Quebec, and that's something we have to say over and over again. There needs to be a lot of dispelling of myths and generalizations. I'm wondering: can other people join this task force? Is it exclusive to Quebecois?

Secondly, as regards an area which you didn't really touch upon too much, and that would be jurisdiction in culture and education, I guess you would not want that to become exclusively provincial because that might threaten this pan-Canadian concept you have.

MR. GRAY: Well, the first thing is that although we've operated only in Quebec and our members are only in Quebec, we have been in touch with other Canadians, who are certainly corresponding with us, and we welcome links with all Canadians because we believe Canadians can all talk to Canadians. There are no boundaries between the provinces. They are simply provincial boundaries and not national ones.

On the second one, you are quite right. We believe that culture and education are primarily provincial concerns. It would be a travesty to take them away and make them federal. It would be unacceptable to Quebec and unacceptable to me as a Quebecker. But at the same time, I think there are standards. Those national standards may be in the field of competence – you know, making sure everybody has a certain degree of math – but they are also in the field of basic rights, of openness, of the types of things required by multiculturalism which must be federal or at least interprovincial. Mr. Horsman suggested before that maybe the Council of Ministers of Education could do it. I'm not providing a detailed answer, but I certainly do not believe that either language or culture or any of those things are exclusively provincial concerns. The reason they are not exclusively provincial is because in some ways, along with a compassionate society, along with our social structure and multiculturalism, they are the basic building blocks of Canada. So they interest all of us. Primarily provincial, yes, but across the country.

MR. CHAIRMAN: John McInnis.

MR. McINNIS: I would certainly like to thank you all for traveling here and sharing this vision with us. Anastasios, I took from your submission that we're less economically viable in Canada because we may have gone too far in decentralization already in terms of economic policy. I hope I'm reading that correctly. If I am, I wonder if you could give me some examples of where we may have gone too far in decentralization economically.

DR. ANASTASOPOULOS: I did not specifically mean that the decentralization has proceeded too much. As Professor Gray said, we are already one of the most decentralized federations in the world. What I said at some point is that either Canadians want too much more than they can afford to pay for or the present mechanism is inadequate in providing those national needs. What I also have in mind is that this continuous debate, this continuous conflict between regions and squabble between regions creates a lot of economic waste. From that point of view only, I suggested that time works against each region if each region is self-reliant, if each region depends on its own for its economic survival, because in a loose federation, as we are now, and with continuous debates, continuous conflicts, I'm sure that creates a serious problem; that is, weaknesses and particularly low productivity in Canadian industries.

11:48

MR. GRAY: Let me point out one fact to you. I was once present at a meeting – I was asked to a debate – where a large number of Quebeckers were protesting angrily because a large French company had built a plant in Halifax. I felt shocked that a group of people in my country would suggest than an underdeveloped region of this country should not get a large French contribution. This is the type of thing that the rivalry between the provinces leads to, and at times we think there should be cooperation. When I said, "Well, they built it in our country in a place which needed employment," there was an equal shock on the nationalists' faces that I should even think that it was proper for the French company to build their plant in Halifax. Of course it was proper. That's the type of thing that I think we've gone too far on, the rivalry between the provinces.

MR. CHAIRMAN: Bob Hawkesworth.

MR. HAWKESWORTH: Thank you, Mr. Chairman. I'd like to echo my appreciation for the fact that you're here today. I'm intrigued by the message you bring.

There are two areas here. One is a process of resolving our differences, and the second aspect is sort of the content of the negotiations. You've suggested that as far as process is concerned, there's a role that could be played in simply taking a message to Quebec that they're wanted and we desire as Albertans that they be a part of Canada. Could you maybe take a moment to expand on that a little bit? In particular, what do you see as a role that a committee such as ours could play, a group of legislators in Alberta? What could we do in a constructive way along that line?

MR. GRAY: I think you and people from Ontario and people from the maritimes and people from B.C. and from the north could come to Quebec and meet the people of Quebec and discuss it openly with them. I think, you know, that the nationalists, the mandarins will immediately say that's an invasion, you're interfering, but it's Canadians speaking to Canadians. The reason why I think that has to be step one is because all the other steps are totally unsatisfactory until you've resolved the problem of Quebec's participation. If you run a national referendum, what will happen if all the country votes 80 percent and Quebec votes 51 percent against? What's the legitimacy? You have to worry about that sort of thing. If you run an assembly, what happens if the present leaders of Quebec, if Mr. Parizeau comes there and simply – you saw what happened when Mr. Lévesque attended in 1981-82. He said no to everything, and then he said, "We've been cheated."

You have to have Quebec convinced before the process, and the only way to do it – and I think it will do it, because Quebeckers are now beginning to realize what the costs are, and there are many who are just waiting for this positive message that the French culture, Quebec, and so on, are important to all Canadians – is you just come to Quebec and hold an open session in Montreal and Quebec City once you've got your report, showing that the report is not at all anti-Quebec, that all those things they hear about the other provinces are simply not true and that everything is open to everyone, pointing out what the Quebec contribution has been to those provinces, the importance of the French communities in each of them. I suspect Ontario and New Brunswick and Manitoba have a particularly large numerical one, but Alberta does as well. What the importance, for instance, of graduates of Quebec universities, McGill and so on, has been in the development of the other provinces.

The message is that we're really partners and that Quebec's partnership is welcome and accepted and that no one has attributed, say, most Canadians' indignation about some Quebec policies – no one has said, "Well, that means Quebec is no good," just like one would hope that the justified indignation of Quebec at some comments from time to time about the French language means that all Canadians outside share those comments. I'm sure if you do it and the Ontario committee does it – and not only political committees but artists, scientists, as I've said, journalists – six months of that campaign will win Quebec's heart, and then we will be able to use any means. We'll get together, and I'm sure a deal will be struck without much difficulty because the hearts will have been won.

I think one thing you have to remember is that half the hearts are won anyway. I don't believe that real souveraintistes form a majority in Quebec, and I believe probably 50 to 60 percent are already convinced that Canada must survive. But if you go into Quebec, we will have a good two-thirds, and that is what is needed for Canada to continue with everbody's approval, because if we say that Canada without Quebec is unthinkable, we also know something else: that in Canada force is equally unthinkable, so Quebec must be won. That is the way to win Quebec.

MR. CHAIRMAN: Well, we've extended our time considerably here, and we are pressing hard on the time available to our remaining presenters this morning, but I have a question that I think I'd like you to answer, if you could, yes or no. Could we go to Quebec with a report from the Alberta Legislature which says, "There must be a substantial change in section 93 of the Constitution which would introduce the federal government in a major way into section 93, education rights"?

MR. GRAY: Yes. As long as it was properly phrased and as long as the provincial predominance in education remained there, yes you could.

MR. CHAIRMAN: Do you think that any government of Quebec could sell that, then, to their people?

MR. GRAY: The government of Quebec would not need to sell it. I think that people would buy it as long as it was clear that it was not a change in the education power to the federal government but merely an establishment of certain common standards that everybody needs and that everybody would benefit from.

MR. CHAIRMAN: Interesting selling job.

MR. GRAY: Difficult, but it could be done.

MR. CHAIRMAN: Okay. Thank you very kindly for coming and being with us and coming all the way from Montreal for this presentation.

Norm and Ev Altenhof. Yes. Welcome, gentlemen. I'm sorry to have kept you waiting.

MR. N. ALTENHOF: No problem. My name is Norm Altenhof, and this is my brother, Ev. We're here just on behalf of ourselves; we're not representing anyone. We submitted copies of our views of the Canadian Constitution based on your paper that was sent to various people. Basically, all we did is we went through it and the questions that you had asked that . . .

MR. CHAIRMAN: Excuse me, please, but could we have attention in the room? Thank you.

MR. N. ALTENHOF: Those questions that were asked that were important to us, we provided answers to. At the end I can hand out a copy if you don't have one. What I'd like to do just in our 15 minutes is provide an introductory statement, go through some of the questions that you ask and some of the answers we provided, and then we'll entertain any questions that you might have.

MR. CHAIRMAN: Thank you.

MR. N. ALTENHOF: Then we'd just like to present a final, one-minute summation and leave it at that. So I'd just like to let my brother, Ev, start with some introductory comments.

MR. E. ALTENHOF: Good morning. My brother and I are here as individual citizens. We make no wild and unsubstantiated claims as to how many people we represent, but we believe our views are common among many Albertans, and our views are strongly held.

It should surprise no one that Canada once again finds itself in the midst of a constitutional storm. No surprise, because the existing Constitution and Charter of Rights is a baling wire and chewing gum attempt to socially engineer Canadians into convenient pigeonholes, and it has never carried the acceptance of rank and file Canadians. Thanks to the Canadian Charter of Rights nothing has to be earned, only demanded.

The Constitution and Charter of Rights have succeeded in dissecting the Canadian population into competing special interest and ethnic groups designed to be easily manipulated by politicians and bureaucrats for political expediency. It is ironic now that as we find ourselves in yet another crisis, politicians and commentators lament the apparent inability of Canadians to find common purpose, yet it is these same people who by their policies over the years have deliberately and shamelessly attempted to strip commonality from Canadians until we have reached the point where we have little more in common than our profound ability to overspend, which can hardly be considered a desirable unifying force.

It was Albert Einstein who said that the problems which exist today cannot be resolved by the same level of thinking that caused them. Therefore, the new Canadian Constitution must not be developed by political parties, social engineers, business or labour groups, self-serving academics, elitist eminent Canadians, government-funded special interest or linguistic groups, by the editorialists of Southam newspapers or the *Globe and Mail* or the CBC or, God forbid, by Max Yalden or D'Iberville Fortier. It must be developed by and accepted by Canadians as individuals. It is impossible to pacify all of the competing and diametrically opposed special interest groups' viewpoints within this country, and so the Constitution must pacify none. Rather, it must speak to Canadians only as individuals and not as members of some group.

11:58

It is also our view that the new Constitution must not enshrine the philosophies of any political party. One example is the so-called amelioration clause in the current Constitution, which enshrines and sanctions the practice of government-sponsored racial and sexist favouritism, which has no place in the Constitution. Time and again it has been shown that governments, politicians, and bureaucrats possess no monopoly on ethics or tolerance, and in fact this self-serving legislation is often used to meet their own political ends. It is for these same reasons that the practice of confiscating taxpayers' money to support multicultural demands must cease.

The issue of decentralization has often been raised, clearly because that is what Quebec is demanding. We have seen over the years that federal governments, regardless of stripe, tend to drool over the Quebec tribal vote like pimply-faced teenage boys over a prom queen, and so we can reasonably conclude that Quebec's demands for increased decentralization will be granted. That being the case, it is absolutely imperative that there is no special consideration for Quebec and that any decentralization of powers granted to Quebec must be offered to all provinces. Whether or not each province wants to accept those powers is their own business. We think Alberta should accept those decentralized powers, but it is important to note that the issue of decentralization is not only one of the juggling of powers between levels of government but, more importantly, between individual Canadians and governments.

Now on to official bilingualism. Canada is bilingual, but it is not homogeneously so. In order to reflect the genuine nature of Canada, bilingualism should only exist in the territorial sense, as it does in Belgium and Switzerland. Federal government policies which strive to force together the two language groups of Canada can best be described as a process similar to nuclear fusion, where the harder the two objects that are forced together, the more heat is generated. It is, therefore, essential that regardless of which other powers are decentralized, policies dealing with language and culture must be provincial responsibilities only and must be completely free of any interference, reward, or punishment from the federal government. We must also get rid of executive federalism, and politicians must be forced by citizen-initiated referenda and recall to truly represent their constituents.

The issue of Senate reform is of great concern to many Albertans. The current model being waved about by Joe Clark of regional versus provincial equality is completely unacceptable. The difficulties of getting all western provinces to agree on a particular issue is well known, and it has been said that the segregation of the Canadian west into smaller provinces was designed for that exact reason. Therefore, the only Senate model which Alberta should be prepared to accept is triple E.

In closing, we believe that Canadians are overgoverned, with an ever increasing oppressive labyrinth of laws and infinite constitutional challenges, for many of which taxpayers pay for both sides of the argument. We would be wise to recall and bear in mind the Chinese proverb which says that a nation on the brink of collapse has a great many laws.

Thank you.

MR. CHAIRMAN: Thank you.

MR. N. ALTENHOF: The rest of the comments will just be from the position paper we put in earlier, a couple of months ago.

One thing we found about our Constitution is that a Constitution is nothing more than what the people have laid out as rules to be governed by. That's what it is, very basically. Like Winston Churchill said one time, government is the servant of the people and not its master. I cannot tell you how annoyed I have been in the past five to 10 years regarding the constitutional hassles in this country. We have to overcome that. We have to overcome it for various reasons: the nation is going to fall apart, we are so far in debt as it is already, and if we don't come together very soon financially and constitutionally, we will be little orbiting places around the Americans.

Now, in your presentation, in the book that we got from the Alberta government, some of the questions that were asked were very straightforward. Others were extremely complex, like, "Do Albertans agree on the appropriate balance between national objectives and regional diversity?" The answer is just no. There was a lot of talk this morning about setting national standards. Sure, it's easy to set national standards, but then how do you equate with hospital care at Cambridge Bay, Northwest Territories? How do you go to Come by Chance in Newfoundland and talk to somebody about education? They haven't got the money. It's easy to set a national standard, but then maybe it's very difficult for the province to carry out this mandate, and this is what we're having right now.

Probably one of the most important ones was: how do you protect the interests of minorities nationally? No doubt Canada is a multicultural society, but you know, really so is the United States, and they seem to be able to hang on to their culture. There are places in Chicago where you walk in and you'd think you were in Poland. It's the Polish capital outside of Poland. Go down to San Francisco in the United States. Their Chinese society has done fairly well down there.

How would we do it? Well, we can go around and try to protect all these little special-interest groups, but then everybody has rights. Now, where are the rights of the average individual? How do we balance the rights of the minorities with those of the majority? That was the question that was asked. Well, as Ev alluded, we just don't. We just give everybody the same rights. You know the old saying: your right to swing ends where my nose begins. It doesn't matter who it is. It doesn't matter whether he's black, white, speaks French, Greek, or who he is. We were rather impressed this morning with Jack, the second presenter. He is our kind of guy. He comes here, he's here for a purpose, to better his life, and he should be given all the reins to go ahead and do that. His children and his children's children will think the same as my brother's do, because we're from the same stock but of an earlier generation. My dad and my granddad always impressed that upon us. Sure, be proud to be a German, but by God, pal, you're a Canadian. Okay?

"Should Senate reform remain a priority for the Government of Alberta?" Yeah, we think that it should, but not to the exclusion of everything else. "Is executive federalism good for Canada?" We heard one presenter today say that it has been good; it has been acceptable; there have been some disasters. We think it has been an absolute disaster, particularly in the last 20 or 30 years, with a debt that is choking this country to death, absolutely. "Should the Constitution entrench First Ministers' Conferences?" Never in a million years. We don't want to entrench anything like that. We're not going to leave it up to those people. These kinds of things, constitutional change, like we said earlier, should be by the people.

"Should there be a constitutional requirement for regional representation on the Supreme Court?" We just said no. Let's have the best guy do the job. He can go through a process somewhat like they do down in the States, where he's grilled and so on and so forth. We can even elect them if you wish; it doesn't really matter. I suppose those are things that they do down there too. "Is the goal of economic efficiency our priority as a nation?" It clearly isn't now, but by gosh, it should be. The gentleman that was sitting in this chair here just – what? – five minutes ago made it very clear, and he's the expert on it. We are not experts on this in any way, shape, or form.

What is the most appropriate way to deliver efficient social services across the nation? That is an extremely difficult point because of what I said earlier. The country is so diverse, so large, that it's very difficult to make sure that it is uniformly applied, like I said, at Cambridge Bay; Come by Chance, Newfoundland; or Calgary, Alberta.

Environment. That's a topical thing now. "Who should have the final responsibility" for environmental affairs? We say the federal government but not just exclusively the federal government; we have to have interprovincial meetings.

Should additional rights and freedoms be protected under the Charter? Absolutely not. The Charter should be so simple and should be directed to every Canadian. How does one balance individual rights with the needs and interests of society as a whole? I suppose the question we could ask you is: who defines needs and interests if not society itself? We should be the ones that define how we want to live. Do we want to have a medicare system where everybody can go in and get a heart transplant when they need it, or will the governing factor be: how much money are we willing to put into hospital care? It's that simple.

12:08

MR. CHAIRMAN: It's that simple? I'm sorry; I don't want to interject, but that's very complicated. That's a very difficult question.

MR. N. ALTENHOF: No, no. I meant to say that it's that simple that it comes down to the simple issue of who is going to pay for these services at the end.

MR. CHAIRMAN: Oh, okay. Thank you.

MR. N. ALTENHOF: That's what I meant in that regard.

Now, you ask a lot of other questions in there. We're certainly open for any questions you might have.

MR. CHAIRMAN: Thank you very much. Questions?

MRS. GAGNON: Could I just ask about the heart operation? Let's say, to follow up, that – I don't know who I could use – Peter Pocklington arrives at the Foothills and he's got $50,000 for a heart operation but the beds have been closed because they don't have staff, you know, for good, sound economic reasons. Should he, because he can pay, get that surgery or not? Are you talking about universal access based on the ability to pay?

MR. N. ALTENHOF: Well, I mean, I've got no hang-up with universality. I've lived in St. John's, Newfoundland, and I've lived in Victoria, B.C., and I know that I could go to the hospital if I broke a leg and so on and so forth. What I'm saying is that as we get further in debt, as these things become increasingly more expensive, the standards, so to speak, would have to be lowered and we probably will end up with a double system. You asked me about Peter Pocklington. Well, I can tell you that Jean Chretien and Bourassa with cancer problems – they go down to the States. I wonder.

MRS. GAGNON: Well, maybe because they can pay to get what they need down there; I don't know. I'm not saying whether that's good or bad; I just wanted you to pursue that, that it wasn't that simple. It is an ethical thing and an economic matter altogether.

MR. N. ALTENHOF: Right.

MRS. GAGNON: I had another question, and I think it dealt mostly with the environment. You seemed to gloss that over just a little bit, but I know you've run out of time. You want to see more federal jurisdiction overall in that area?

MR. E. ALTENHOF: No, I don't think that was really what we meant to say. What we meant to say was there are certain aspects of environmental concerns that have to be federal because they go beyond provincial boundaries, so it's going to require federal/provincial co-operation to come up with some sort of agreements. Then once those agreements are set, they have to be applied universally, and I mean universally. I mean, if they're going to apply to the Oldman River dam, they are going to apply to the James Bay project as well.

MRS. GAGNON: Okay.

MR. CHAIRMAN: Well, thank you very much, gentlemen, for giving us your thoughts and for having responded to our discussion paper. It wasn't easy to answer everyone's questions, I know, but I appreciate your efforts.

MR. E. ALTENHOF: Do you have copies of this thing?

MR. CHAIRMAN: Yes, we do.

MR. N. ALTENHOF: Well, I just want to wish you good luck.

MR. CHAIRMAN: Thank you. Well, it's a challenge, because we're hearing some different points of view.

Ed Carter, please.

MR. CARTER: Mr. Chairman, ladies and gentlemen, good morning. First of all, my thanks to the Hon. Jim Horsman and his committee on constitutional reform for the opportunity granted me to speak to the committee. I'm not speaking on behalf of any organization but rather as a concerned Canadian.

A word about myself. I am married, we have two adult sons, we reside in Calgary, and I am retired. I'm a veteran of the Royal Canadian Mounted Police, served at seven points in Saskatchewan, and have lived in Alberta at Innisfail, Red Deer, Peace River, Medicine Hat, Edmonton, and Calgary.

There is, of course, no possible way in which one person can rewrite the Constitution, but I wish to put forward my thoughts on what I believe to be the most important aspects affecting Canada in the hope that these suggestions will be considered by the bodies that will eventually put together the Constitution on which I hope we all may one day vote by referendum. It becomes easy these days to declare anyone who dares to express what he believes in as a redneck, but with this in mind here are my thoughts.

The federal system. The first item: it is critical that we maintain our federal system. In a country as widespread and diversified as ours we could not operate under a unitary system which provides for no regional governments, all legislation being under the control of one central government. Great Britain is an example of this, and it operates efficiently in a country small in size, but the federal system is a must for a country as large as Canada. This system provides for certain powers which affect the country as a whole to be legislated by the federal government, at the same time allowing local governments to control our own areas and have powers over matters more local in nature. Inevitably there are a few areas of authority which must be shared.

Monarchy. We should retain the monarchy as the head of state. This system has worked well in Britain for hundreds of years and extends to Canada in the form of our Governor General and Lieutenant Governors. This provides a stabilizing influence so that if a government falls, the country is never left without a head. The monarchy or the Governor General immediately calls upon a statesman and party to form a new government which will retain power at least until a new election can be called.

The Senate. The Senate has a distinct purpose in our parliamentary system, but not the Senate as we know it. One must seriously wonder why we have a Senate at all after all the blowing of kazoos and reading from pointless lists by the hour while the costs pile up against the taxpayers. A triple E Senate is the answer. Appointed Senators usually follow the wishes of the party that appointed them. Accordingly, a party in power over many years plugs the Senate with its appointees. The Senate should be the voice of regional concerns and should be elected on the basis of regions. It should not have the power to block legislation passed by the House of Commons but could send a Bill back for review with suggestions to amend and would thus be a body of sober second thought, as has quite often been mentioned.

Regional affairs. At the time when Canada was formed from Upper and Lower Canada, there was nothing much more than wilderness in the west. The situation has now totally changed, and our country is now comprised of four regions: Ontario, Quebec, western Canada, and the maritimes, each regionally different in nature. We certainly do not need another level of government, but some provision should be made so that when a Premier or group of Premiers of a region puts forth suggestions for consideration, then the other regions and the federal government should be tuned in.

Bilingualism. This has been one of the most divisive forces since it was enforced some years ago, to the point that we now have bilingualism at a cost of two-thirds of a billion dollars annually at a minimum, yet the Quebec government nullifies it by refusing to allow even signs in English while the rest of Canada is stuck with it. We are living on the North American continent, where English is the prevailing language. Whether Quebec goes or stays, the bilingual system should be scrapped, letting each province operate in one official language of its choice. If I travel in Quebec and cannot speak their language, then I am the loser, the same as if I travel in any other foreign country. But the same applies to Quebeckers. They are the losers if they come out and cannot speak English. Why should the rest of us be forced to accommodate them? The cost of paper, printing, translating, education, and commercial expenses is exorbitant. Minority-language education should be eliminated except as an optional school subject.

Multiculturalism. This may not come under the scope of the Constitution. It is a fine thing for any ethnic group to preserve its own language and customs, but these should be sponsored by each group. There should be no interference or assistance from the government. I always admire these customs, and it is pleasant to go to a display, but the government is not promoting the philosophy that we are all Canadians. They are, in fact, emphasizing our differences, and the tendency of the political parties is to promote multiculturalism as a vote-getter by catering to all groups.

12:18

Quebec. Personally, I feel that Quebec should pack up and go. A recent survey by a Calgary TV station resulted in 79 percent of phone-in callers feeling that Quebec should separate. Quebec has never been and never will be satisfied. Their attitude seems to be how much can they squeeze out of the rest of Canada, always demanding more privileges yet not willing to concede anything. They don't even operate under our system of British common law but instead operate under the French Civil Code.

Veto. Whatever happens in the case of Quebec, no province should be granted any special privileges over any other province. There should definitely not be a veto by any province, as this would give them the whip hand over anything the balance of the country wishes to institute. The notwithstanding clause should be eliminated. By using this clause, any province can bypass legislation from the federal government as would suit its own purposes.

Supreme Court. Under our Charter of Rights many decisions end up in the Supreme Court. Does it seem proper to have such a small body of appointed persons turn down a law which has been passed by Parliament? The final say should surely come from our elected representatives when they enact a law. However, let us never get into a system of elected judges whose judgments are then swayed by what will most impress the voters at their next election.

Charter of Rights and Freedoms. This has totally altered our society and way of life for the worse. It should be remodeled and reworded as a charter of rights and responsibilities. Many individuals and organizations seem to believe that this Charter gives them the right to override the rights of others without any responsibility. The newly coined phrase "political correctness" implies that it is unacceptable for anyone to even mildly criticize any person in a minority group, even if done so fairly. The thought seems to be that minority groups can say or do what they like to our society and we should stand humbly by and never retaliate. Surely the right of free speech does not entitle one to publish hate literature or to besmirch others. Where does one group get the right to tell us how our RCMP should dress and even that their children have the right to carry daggers to school? Individual rights must give way to the rights of society. The tendency now is to subordinate general rights to the rights of individuals or special interest groups, implying that individual needs or those of special groups must be met regardless of the greater community. A democratic system requires responsibility to be accepted by the people.

Recall. There has been much talk recently of the power of the electorate to recall a Member of Parliament. It would seem that if an MP fails to act for the wishes of his constituents after he is elected, then there should be a process whereby they can recall him and have a by-election to possibly replace him. Great care should be taken with this, however, and such a process, if allowed, must have clearly defined steps of progress. It is apparent that if an MP becomes a cabinet member or sits on a committee, then he must act for the government and Canada as a whole rather than solely for the wishes of his own constituents to the exclusion of the benefits of the entire country. At the same time, governments, parties, and MPs should be more responsive to the wishes of the people.

Referenda. If our Parliament makes a decision, that is the reason for which they were elected, to make decisions. There is no way we can have government by everybody in the form of referenda. In rare cases – abortion, for example – when the government can come to no clear-cut decision, arrangements may be made to hold a referendum for guidance. There could be a proviso in the Constitution to allow for this, but in no way should a government be forced into a referendum on every question.

Immigration. The federal government should be totally in charge of immigration. Immigrants come to Canada as a country, not to an individual province, and once in this country are free to move around as they wish. Two-thirds of immigrants to Quebec move to other provinces within five years. If Quebec had control of their immigration, they can and will specify Francophones only.

Amending formula. As times change and the years progress, there will surely be a time when any Constitution will require amending. Accordingly, no Constitution should be chiseled in granite. There must be some formula to provide for amendments. This formula should not allow changes on any whim, but neither can it be so restrictive as to prohibit any alterations. This may be one area where the four regions might come into play. No veto should be allowed any part of the country, as this would only nullify any plans of a democratic process.

Constituent assembly. The Constitution should be formulated by a group which is not bent on making political hay in the process or on creating a name for themselves. An assembly could be formed of noted citizens and ordinary people from all regions of Canada and given the power to write a Constitution. This appears to be a positive method to achieve the desired ends of the people, because it is the people that count, not our politicians alone. This assembly could include a few politicians, members of the business community; in fact, persons from all branches of our society. There should positively not be any political leaning by anyone in it while sitting in the assembly. It seems to me that about 300 such persons would be a good-sized group to bring forth all points to be considered and attempt to avoid any pitfalls. The Constitution this assembly eventually produced could be voted on by referendum, and if approved by over half the voters in at least seven provinces or three regions, then it could be passed by the House of Commons and the Senate.

The manner of selection of the assembly would of course be critical. One method I would suggest is that every MP, every MLA, every mayor and alderman of every large city each be asked to submit a list of three names. The assembly could then be chosen from the lists by lottery.

To end on a positive note, there is no other country in which I would rather live than Canada. Our Fathers of Confederation were able to create a Canada well over a hundred years ago. Surely with our modern skills and technical abilities we can write another, updated Constitution.

Thank you, Mr. Chairman.

MR. CHAIRMAN: Thank you very much, Mr. Carter.

MR. CARTER: I have a copy here, sir.

MR. CHAIRMAN: Thank you very much. We had a previous presentation from you. You've amended it slightly, and I appreciate your giving us a copy of that.

We are being very pressed for time, and I would ask that questions be kept very brief if there are questions.

MR. CARTER: As far as questions go, sir, I've just forwarded a lot of thoughts. I'm in no position to pass any judgment on those thoughts. I'd like those thoughts passed on to the powers that be for consideration, and let it go at that.

MR. CHAIRMAN: Thank you very much. We'll certainly share your views with our colleagues on the other panel. There's just one point that I'd like to make about constituent assemblies. We've been hearing that from some of the presenters, but we've also been hearing that we want the people to have the say. How do you allow appointed people to make decisions for you? If you don't elect the members of the constituent assembly, how do you know that they are reflecting the views of the majority of the people?

MR. CARTER: My basic thought is that elected people put too much pressure on the political aspect of it and they're making political hay out of this rather than looking at what is good for the country. I would much prefer to see a group of interested citizens who have no political leaning whatsoever put this together. My suggestion there, sir, was to have our representatives each name three persons – there would be thousands of names – and just draw them by lottery, and no political bent whatever.

MR. CHAIRMAN: Well, it's an interesting suggestion. Thank you very kindly.

We're going to have to adjourn now for a luncheon break, and we will have to be back here. We were supposed to be back at 1, but it will have to be 1:15, I think, in order to allow us time to have a brief bite of lunch. Thank you very much.

[The committee adjourned at 12:27 p.m.]

1:16 p.m. Saturday, June 1, 1991

[Chairman: Mr. Horsman]

MR. CHAIRMAN: Ladies and gentlemen, I'd like to get under way. We're running a little bit late, and we are under very tight time constraints today. Our first presenter has just arrived. We are going to be very careful about sticking to the 15-minute timetable.

Chief Whitney, would you like to come and join us at this table, please? Welcome.

MR. WHITNEY: Thank you very much.

MR. CHAIRMAN: We started a little bit late; we're just under way. We're going to have to stick very closely to the 15 minutes. At the end of 10 minutes you will hear a bell, and that will alert you to the fact that it's necessary to bring your remarks to a conclusion if you want to get any questions in, because we then have five minutes for questions. If you wish to take the whole 15 minutes for your presentation, that won't allow us any time for questions.

Please proceed.

MR. WHITNEY: Members of the Legislature, Mr. Chairman, ladies and gentlemen, I take the opportunity to present to you the views of the T'suu T'ina Nation and the Treaty 7 Tribal Council on constitutional reform. Chief Bullhead signed Treaty 7 on behalf of the T'suu T'ina Nation in 1877, as did other chiefs from the Blackfoot confederacy and the Stoney nations. That document represents the basis for the relationship between Treaty 7 nations and Canada today.

Treaty 7 established that we would deal with the federal government as representative of Canada. It established that Canada would forever have certain obligations to us in exchange for the use and occupation of our territory. A hundred and fourteen years later questions about the nature of that relationship have yet to be resolved. A very key part of those discussions involves the province which you represent and which came into existence in 1905, some 28 years after Treaty 7 was signed. During the 86 years of its existence, relations between the province of Alberta and treaty Indian nations have been difficult and acrimonious. The relationship has been tempered by periods of co-operation and understanding, which gives us a foundation to discuss constitutional reform in a reasonable way. In one notable area, treaty Indians and the province of Alberta have always agreed that under section 91.24 of the British North America Act, Indians and lands reserved for Indians are a federal government responsibility.

During the constitutional discussions and conferences which took place in the past decade, both the treaty Indian leadership and the Premiers and ministers of the provinces stated for the record that they supported and confirmed section 91.24 of the British North America Act. The treaty Indian leadership and the provinces then parted ways at the constitutional table when it came to detailed discussions on agenda items, including Indian self-government, jurisdiction, lands and resources, and specific amendments to empower the rights recognized under section 35 of the Canada Act of 1982. The provinces, including Alberta, demanded a specific description and model of the kind of self-government Indian people had stated was their right to exercise. The provinces said they needed to know how it would affect their jurisdiction under section 92 of the BNA Act. They also wanted to know how it would be paid for and who would pay. Many other questions were asked during more discussions, and each question was answered by Indian representatives. However, those answers obviously did not satisfy provincial concerns. I say "obviously" because no substantive constitutional amendments were agreed to during the process set out in section 37.2 of the Constitution Act, 1982.

I have some suggestions on how we might deal with some of those concerns, but first some thoughts on Meech Lake and its aftermath. Premier Getty signed the Meech Lake accord and the province of Alberta subsequently passed the resolution in the Legislative Assembly adopting it. Treaty Indians in Alberta opposed the Meech Lake accord, as we felt it was incomplete and would jeopardize our relationship with the federal government. Through the president of the Indian Association of Alberta and various other spokesmen, we made our position clear to both the province of Alberta and the federal government. The Meech Lake accord did not receive the consent of all the provinces and therefore failed to become part of the Canadian Constitution. I am not raising the issue to reopen old wounds but to make this point. Several attempts have been made to alter the Constitution since it was patriated in 1982. With the exception of minor amendments to the process, all attempts at substantive amendments have failed. We all need to learn from those failures. We all need to find better ways and means of discussing the many issues that are part of the constitutional crisis which the failure of Meech Lake has brought upon us.

We believe in a strong and united Canada, one that includes Quebec but also recognizes the aboriginal peoples as partners in Confederation and not wards of the state. I believe that such a goal can be achieved. I also believe that the manner in which we carry out those discussions must change from the process used in the 1980s. I have touched briefly on some of the issues that need to be dealt with. I suggest, however, that this forum is not the place to thoroughly discuss and perhaps agree on constitutional change as it affects treaty Indians in the province of Alberta.

The royal commission on aboriginal issues, which has been created by the Prime Minister, may deal with constitutional issues; however, it will do so from a federal perspective. We do not yet know the terms of reference of the commission, and until we do, how we may be involved in that process is only speculation. One thing is clear: the process will be federal in nature and, as such, will not deal specifically with the concerns of treaty Indians in Alberta. It will not address the concerns the province of Alberta has regarding proposed constitutional changes for treaty Indians. The royal commission is not designed to allow a dialogue on those issues to take place. There never has been an official process put in place to allow such a dialogue.

Whether we as treaty Indians or the province of Alberta like it or not, we have no choice but to take the position on treaty and aboriginal rights in the context of the constitutional discussions. In fact, both parties have developed positions in response to the constitutional conferences held during the 1980s. I therefore make the following proposals.

One, that the government of Alberta formally create a special committee of the Legislative Assembly to discuss and formulate positions on constitutional matters with the treaty Indian chiefs of Alberta, that through the treaty offices in Alberta the chiefs of Alberta mandate a committee of chiefs to discuss and formulate positions on constitutional matters with the province of Alberta, and that each party will designate officials to form a working group to support the political discussions. It should be noted that the adoption of this process in no way obligates either party to anything more than a discussion and exploration of matters of mutual concern regarding possible constitutional changes. If the kind of process and forum I suggest here is considered by both parties to have some merit, each party should appoint a representative to refine the process and draft an agenda. My proposal should be considered in the context of earlier remarks about section 91.24 of the British North America Act. Also, it must be considered when it would be most valuable, given the frame of the national constitutional process which will take place in the near future.

Two, that the government of Alberta through the support of the province of Alberta support the appointment of an aboriginal ombudsman for Canada and that the aboriginal ombudsman be empowered to hear all concerns and appeals and disputes between the government of Canada and aboriginal nations. For this one to take place, further work would need to happen.

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Three, that the province of Alberta adopt the redistribution of provincial ridings to provide guaranteed aboriginal treaty seats, thereby ensuring aboriginal treaty representation in the province's Legislature and a guaranteed voice for aboriginal treaty peoples in the province of Alberta.

In closing, Mr. Chairman, I would like to reiterate that the relationship of treaty Indians with Canada flows through the federal government. However, the amending formula directs that the provinces be involved in constitutional amendments. With that in mind, I request that my proposals be given some consideration. I thank you very much for your time and your attention, and thank you for inviting me to participate in this forum.

MR. CHAIRMAN: Thank you very much, Chief Whitney.
Yes, Bob Hawkesworth.

MR. HAWKESWORTH: Thank you, Mr. Chairman, and thank you, Chief Whitney, for being with us this afternoon and giving us some specific and concrete proposals to consider. As far as your first recommendation about a special committee of the Legislative Assembly, would you see that as being a government committee, or would it be more along the lines of what we have here this afternoon, where all parties in the Legislature are represented?

MR. WHITNEY: I think it would be better if it consisted of all parties involved. The process we're looking at is constitutional reform for all of Alberta, so I think it would be better under a process of all-party involvement.

MR. CHAIRMAN: Yolande.

MR. HAWKESWORTH: Could I have just one other question on this? I'll try to keep it brief.

In the context of the division of powers where the federal government has exclusive jurisdiction for Indians and Indian lands, I'm wondering about the idea of guaranteeing treaty seats within the Alberta Legislature, which of course is provincial. I wonder how that might have an effect or undermine or somehow be out of step with the division of powers under our Constitution. It would be one thing to have treaty seats in the federal House of Commons, but to have that in the Alberta Legislature . . . I'm just wondering if that's a concern or whether it might lead to undermining, I suppose, the relationship between treaty Indian people and the federal government.

MR. WHITNEY: No, I wouldn't see that becoming a problem. I think it would only enhance the relationship between the treaty Indian people and the provincial Legislature. It would also give treaty Indian people a forum where they would not necessarily be tied to a provincial party or a particular party, where they could voice concerns affecting the Indian people of this province to ensure that things such as the respect of the treaty are fulfilled, and constitutional matters could be dealt with in a more positive light.

MR. HAWKESWORTH: Okay. Thank you.

MR. CHAIRMAN: Thanks very much.
Yolande.

MRS. GAGNON: Thank you. Roy, have the Alberta chiefs agreed on what self-government model they refer to when they talk about self-government? Secondly, is there any agreement on the fact that maybe the department of Indian affairs has to be phased out over time?

MR. WHITNEY: Well, I think the chiefs of Alberta realize the department will not always be a part of our life, and I myself see that happening. How and when it happens will of course depend upon the leadership. Self-government is defined in my perspective . . . When we sign treaties, we sign treaties with a founding nation of Canada. That's the basis of our government. The basis of our government flows through the treaties, and most people see or perceive that the basis of government flows from the Indian Act. The Indian Act came into existence after the signing of treaties.

MRS. GAGNON: But there are three treaties that affect Alberta natives, so would they have the same vision of self-government?

MR. WHITNEY: I think if you were to sit down with other chiefs throughout the province, they would have a similar vision of their government. We are in the process of defining our government and our nation, and that will be defined by our people and with our people.

MRS. GAGNON: Thank you.

MR. CHAIRMAN: Yes, Jack Ady.

MR. ADY: One question, Chief Whitney. Is there consensus among the chiefs of Alberta for your proposal number one? Are you optimistic that they would all be in favour of it? Where is that as far as a consensus?

MR. WHITNEY: I'm not here speaking on behalf of the chiefs of Alberta. I'm not certain if other chiefs are in this representation. I am the chief that holds the portfolio for the tribal council on intergovernmental affairs and government relationships in treaty issues. So I'm here representing the tribal council of Treaty 7 as well as my own nation.

MR. CHAIRMAN: Thank you.
We've run out of time, but a very quick question perhaps.

MR. McINNIS: We have this committee already formed. It's an all-party committee dealing with constitutional matters. Do you think this committee might serve the purpose from the provincial point of view, and if so, I wonder if you've thought about taking this idea forward to the other chiefs to see if it could happen fairly quickly.

MR. WHITNEY: Yes, I'm prepared to do so.

MR. CHAIRMAN: Thank you very much, Chief Whitney. Having been a participant in all the meetings leading up to the failure in '87 of the process that was set out in the Constitution, this is quite a marked departure from the approach that had been taken by the Assembly of First Nations, which really was the fact that we don't want to talk to provincial governments. Perhaps if we'd had this in place prior to then, we all would have benefited from the type of suggestion you're advancing today. Thank you very much for the useful suggestion. We will certainly pass it on to our colleagues on the other panel and keep it in mind as we write our report. Thank you.

Mrs. Lisoski.

MRS. LISOSKI: Mr. Chairman and members of the panel, first of all I'd like to thank you for the opportunity to speak with you and to compliment the committee on your handling of this matter, gleaning the opinions of the public. I think you've done it marvellously well.

I certainly hope I will be able to assist you in some small way.

MR. CHAIRMAN: Could you speak up just a little bit more perhaps.

MRS. LISOSKI: Yes. Okay. I think we are at the stage where we must discard what is no longer appropriate in our governmental institutions and perhaps invent what obviously is needed in some other places and fix what's broke, as the saying goes.

In case you haven't heard, society has changed a great deal in the last 20 to 30 years, not to mention the century and a quarter since our governmental institutions were designed to serve a very differently comprised country. The changes aren't all good. Much of the harm that results is from traditional institutions failing to correctly serve the needs of today's modern society. Undoubtedly the size of the baby boomer generation has contributed greatly to this, but that generation differs from traditional society not only in its numbers relative to the preceding and following generations but also in its changes, its changes in individual lifestyles, ethics, aspirations, mobility, and its ability to communicate widely. Hence our institutions must be amended to suit a changed citizenry as well as a changed country.

Communication and interaction with others is a two-way street. Not only do we have much broader spheres of influence; we are also bombarded to the point of systems overload with an increasing volume of increasingly acrimonious and troubling stimuli. The baby boomers started life and have lived their entire lives in this extremely harassing and damaging environment. Our social infrastructures, our social and economic systems were designed and developed in and to serve traditional society, society founded on the traditional family unit both socially and economically, hence relatively stable, uniform, and proportionate from generation to generation. Departure from many of those basic traditions, principles, customs, mores has left our governmental, political, economic, and social systems severely malfunctioning. These institutions and systems must now be modified or replaced with institutions suited to present-day society and citizenry in order that we can once again be governed effectively and harmoniously. As indicated in the overview I have provided, I perceive six major areas in which a substantial change is necessary in our governmental institutions. As you can see by the page references, the brief addresses these proposals in much greater detail.

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The first three proposals are designed to correct what has become a veritable dictatorship in our parliamentary system. Many of the checks and balances of the British Parliament, on which it is designed, have been eroded and lost. The first suggestion is for the abolition of party politics in all governmental institutions, hence a free vote by all members on all legislation. Members would also have equal opportunity of election and freedom of expression and vote according to their conscience and their better judgment.

Secondly, I would suggest the election of first ministers either by the entire electorate they serve or preferably by and from among the elected MPs and MLAs. First ministers have assumed powers which far surpass those of the presidents of the United States and other such governments, but there are no appropriate checks and balances, nor is their responsibility to the electorate adequate.

Thirdly, I would suggest curtailment of the authority of first ministers. The Prime Minister's nominations of judges of the Supreme Court and all first ministers' nominations of cabinet ministers, et cetera, should be required to be distributed throughout the electoral area and endorsed by the entire House. The Senate should be reformed to have advisory powers only, in my belief. Senators should be equal among and elected within the provinces for a 10-year period maximum. Even elected Senators would not be adequately responsible to the electorate. They do not represent the provincial governments and would become increasingly out of touch with the electorate and the provincial governments and the feelings of the people.

As I read the various positions of the political parties, commissions, the throne speech, the Western Premiers' Conference, there is one recurring theme: the need for provinces to have more influence on federal policies. It is preposterous to have a federation in which the members, the provinces, are not represented, so I propose establishment of a confederate House of the provinces. This would be a third House in which the provinces would enjoy effective, equal representation of the provincial governments to co-ordinate and harmonize all matters within provincial jurisdiction, as establishment of national standards in education, health, et cetera; to have input into and, with a majority similar to that required for a constitutional change, have veto powers over all federal legislation and procedures and to have that particularly as it affects the provinces, as with taxation, monetary and fiscal policies, industrial development and diversification, equalization and transfer payment distribution.

Constitutional reform or amendment should be ongoing in a constituent assembly including constitutional experts and publicly acclaimed private citizens from throughout the country as well as elected representatives from each government. When a matter is acceptable to the majority of the governments necessary for entrenchment in the Constitution, it should be so endorsed. Only when all matters presently under discussion are individually resolved should the package of endorsed items be entrenched in the Constitution. Let's have no more forcing in of one province's inappropriate agenda along with good policies in an indivisible and unamendable package, no more refusing to deal with any other matters until one province's agenda has been entrenched, particularly so when the rights entrenched will probably once again be used to block further reform. And let's have no more possibility of single-province vetoes whereby by either unanimity or approval by all regions, et cetera, one province can block the changing of the Constitution for the whole country. From now on let's have statesmanship: the implementation of a Constitution which is best for Canada as a whole, as one country, and best and fair and equitable to all Canadians.

Thank you.

MR. CHAIRMAN: Thank you very much. I see you've added some additional recommendations here. We will review those, and we will submit those as well to our colleagues on the other panel, which is now hearing citizens in Edmonton.

MRS. LISOSKI: Right. I will leave the larger brief with you.

MR. CHAIRMAN: Thank you kindly. Any questions which have arisen on this presentation? Thank you. You've given us some things to think about as we move through the process, and I appreciate very much your coming forward.

I just want to make one little point. The House of the provinces which you suggest here is somewhat similar to the German model of the Bundesrat. Have you ever looked at that as a model?

MRS. LISOSKI: I have looked at it, but what I would envision here is a third House, so to speak, that would be continuously in session, through which the provinces would be continually dealing with one another. As I read through the report of the Western Premiers' Conference, for example, over and over and over the theme comes in that we must continue to communicate on this and this and this. I'm sure that when we run into problems with our federal government putting in policies – as for example, the high interest rates to solve Ontario's economic problems, which absolutely devastated Alberta and used up a lot of the money we're injecting into the economy, et cetera – if they were faced with even five or six provinces saying, "This is not appropriate for us; we won't approve of this," and making it their business to let their constituents, their people, know what's wrong with it, we could have tremendous effect, even if it was put in unilaterally, whether we had constitutional authority or not.

MR. CHAIRMAN: Good. Well, thank you very much for your thoughts.

MRS. LISOSKI: Thank you.

MR. CHAIRMAN: Mrs. Violet Marin. Did I pronounce your name correctly?

MRS. MARIN: Yes.

Hon. members, I am a little hostile today, so please bear with me. It's what's been building up for 60 years, so I had to put it down on paper. A lot of it I don't really mean as a hostile citizen, but I must say it. Please understand.

Western alienation is reality, not myth. As Canadian historian W.L. Morton has pointed out, the west was "annexed as a subordinate territory" to furnish a steady and remunerative business to the manufacturers of eastern Canada. In 1967 W.L. Morton still detected this fundamental truth about Confederation: it was "brought about to increase the wealth of central Canada." Until that original purpose is altered and policy changed in central Canada, Confederation will remain a grave injustice.

The national energy program: Ontario laughed all the way to the bank. The federal government buildings and departments built in Hull, Quebec; Museum of Man, Quebec; approved archives building in Quebec. Fewer than 20 percent of the immigrants go to Quebec, but they will receive 32 percent of federal immigrant funds, over four years $325 million. Then the federal department of Industry, Science and Technology, created only for Ontario and Quebec – what a country. Benoît Bouchard confirmed Ottawa created regional development structures specifically for Quebec, and the list goes on: a $45 million cultural centre for Montreal, but now I understand it's on hold. Alberta, with western and eastern provinces, must fight the terrible injustices eastern and western provinces have endured. We must all be treated equally, no special status for anyone, and allowed a voice in governing our country.

Bilingualism. We are tired of it, angry, and bitter. Mr. Trudeau suggested that we just turn the cornflakes box around if we cannot read the French version. Well, not now. Bilingualism has become a federal obsession. Mr. Fortier, our bilingual enforcer, claims bilingualism is a success. I'll bet it is for him and for Francophones with 50 percent and probably more of the jobs in Ottawa-Hull, 30 percent in Petro-Canada, and a very large percentage everywhere else. Giving jobs on the basis of race is obscene. Enforced bilingualism, where you send in the troops to these little stores, confiscate their products that are not in both official languages; dismantling and insulting our heritage by Quebec ministers; our history, railway, and our religious issue with the RCMP by Solicitor General Pierre Cadieux; our link with the rest of Canada, the CBC – but most important of all, the founding people of western Canada now are expected to observe bilingualism, even though it was deliberately settled by the federal government as a multicultural region with English as the common language.

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Western interests and views, constantly in a minority in both cabinet and Commons, receive little reflection in policy. Western constitutional dreams especially are dismissed as rural eccentricity, something of no consequence. We are locked in an archaic notion of Canada that rings false to almost every western ear, yet when westerners say what seems to be true to them, they are branded with all the old labels: crackpot, bigot, redneck, nation wrecker. Then trying to make0 us swallow the two founding peoples concept – our native people were here first. Neither the BNA Act nor any other constitutional document mentions or suggests the two founding peoples concept.

Many of the original houses from the early 1800s still stand today. From the farms around Winnipeg to the valleys of British Columbia, natives, British, French, Ukrainians, Germans, Scandinavians, Hungarians, Scots, Irish – the list is long – these western pioneers did as much to build Canada as any habitant in 18th century Quebec or any Englishman in 19th century Ontario. Our cultural heritage is not bilingual. We in western Canada prefer to communicate in English, but now we have intense French-language instruction of all kinds: bilingual schools, which are 50 percent English, 50 percent French – they now want to change that to 70 percent French and 30 percent English – plus French immersion. If you begin with your child in grade 1, they give up comprehension in their own language for another, courtesy of the federal government. The Alberta government says yes, because they're taking the money. It doesn't matter where the money comes from, it's still out of our pockets: high-pressure tactics for a language sell at our expense, pressuring anyone into believing their children will not obtain good jobs unless they have French.

Then this is not enough. Francophones now are demanding their rights. We are to build French schools at public expense. I say it to you then: equally, where are all the British schools, and where does that leave the rest of us who are neither English nor French? Are we being robbed of our dignity? More than one-third of the population of Canada is neither English nor French. Everyone is going to have to face that reality. We are and should be Canadians first. I'm sick of fighting along racial lines; we must be treated equally. Francophones came to this part of the land and settled here like all of us. They have our respect like everyone else, but under no circumstances special privileges the rest of us do not have. We use the English language to communicate, but our languages and cultures are just as precious to us as language and culture is to Francophones. They must take their rightful place beside us, not apart from us.

Plainly and simply, we deserve to be treated as citizens of this country no matter what our racial heritage or geographic location. We must all be recipients of the same privileges and obligations. There cannot be different rules for different partners. If we think Quebec needs special status, give that identical status to the other provinces. We must demand no less. Bilingualism by its very meaning is divisive, not unifying, and the cost enormous. Westerners want only one thing from Canada: equality. They long to be equal partners in a truly united Canada.

MR. CHAIRMAN: Thank you, Mrs. Marin, for your . . .

MRS. MARIN: I'm sorry I don't have any copies, but if you wish any, I will send them.

MR. CHAIRMAN: That's all right. If you read it in its entirety, it has all been taken down. It will be part of the record, so it's not necessary. But if there's anything you've left out, well, then we'd like to have copies so that we know . . . But I think you read your entire presentation.

MRS. MARIN: Yes. Thank you.

MR. CHAIRMAN: Any questions or comments?

Well, thank you very much for coming forward and expressing your very sincerely held concerns.

Bob Robinson.

MR. ROBINSON: Mr. Chairman, members of the committee, I want to thank you very much for inviting me here today to give my ideas on constitutional reform in Canada. It's just a short personal viewpoint on some of the issues which are causing much concern in Canada today and in our country, particularly with regard to the modernization or reforming of our Constitution. We must not play politics – and I notice this is an all-party committee – but rather decide what is best for the people of Canada, for Canada's future is at stake, I feel. We're in a very volatile society; there's a lot of volatile vote out there. The main stumbling block is our attitude and what we hear so often: we are our own worst enemy at times.

I am hoping to stick to the Constitution, although I am tempted on some of the topics I've heard from former presenters while listening here. They were certainly ably expressed, but I will stick to my script. I represent no elite; I represent no group. I'm just a concerned Canadian, and these are my views. I'm sorry I didn't have a chance to pass around my brief. They let me know yesterday that I was to appear before this committee today, so I just grabbed what I have. I was going to formalize it and make copies for you; I will do that later.

The most realistic way to modernize Canada and the way that is in the best interests of Albertans and Canadians is to add to what we have been building on for the last 124 years. To claim that this task is impossible is to show not only a great lack of confidence and a lack of confidence in Canadians but a loss of confidence in Canada. Real constitutional change is possible. Today in every region of the country people are convinced that major changes to our Constitution and political institutions are necessary. We should remember that the current amending formula to the Constitution allows important changes to be made to the Constitution, including the division of powers, with the approval of Parliament and seven provinces representing 50 percent of the population. It is also possible for changes affecting only one province to be made by that province and Parliament.

Constitutional reform requires thoughtfulness, reason, generosity, willingness to accommodate and, above all, negotiating skills, which I feel this panel has developed to a great degree. Recognizing this and that constitutional reform takes time, we have to remember that we have engaged in profound public debates in the past: World War I, World War II, social security networks, medicare, free trade, Meech Lake, and we are continuing with these debates and the aftermath of them. We have demonstrated that national debating is no quick solution – we found that out – but rather an option of uncertainty and certainly dangerous and full of dangerous risks. There's a dangerosity there.

1:56

However, the federal system provides a stable environment and a framework within which we may address our problems and develop solutions. At the same time, by its very definition, federalism provides the interactions between the provinces and federal government for meaningful change while at the same time providing us with this ability and opportunity for continuing development.

Now, these in-depth constitutional committees across Canada spring from the conviction that Canadians have strong regional loyalties with an equally strong desire to participate in the management of this country. This desire is based on Canadians' wish to live together, the right to participate as individuals in all debates affecting our Constitution and for those debates never to be held in secrecy or behind closed doors again without public and individual participation. We've learned that.

Canada's challenge today, in my opinion, is to provide national leadership in areas of mutual concern such as economic development, expanding global competition, an improved standard of living, and full provincial and regional participation in the country's future. Such leadership will avoid the frustration which is now being expressed so vocally and emphatically from coast to coast. This leads inevitably to the sharing of responsibilities, new responsibilities, a sharing between provinces or regions of this country and on this new sharing to build a new Canada. To do this, we must be ready to look at the distribution of powers and institutions of government, taking into account, of course, our history and our diversity. Having said this, there is nothing sacred in the current divisions of power. If we examine federal systems, namely the U.S. and Canada, we will notice that apart from certain fundamental rules, there exist many differences in the way federalism is defined.

For Canada to function as a federal and democratic country, the federal Parliament must have a certain minimum of legislative powers – and we've heard this mentioned: foreign affairs, defence, currency – and also powers to ensure economic growth and sharing of wealth in this country. Beyond that, it is possible to envision several different scenarios with a different division of powers than the one we know now.

Sections 91 and 92 are sections of the Act which can be amended in the British North America Act under 7, 50. If we open up sections 91 and 92, then we must be prepared to open up the Charter of Rights and Freedoms. For every change in division of powers, we should check with the Charter in order to have those rights and freedoms maintained. These new changes under sections 91 and 92 as they come along on the distribution of powers would assign jurisdictions to the level of government best able to deliver them, but if there is any conflict between the division of powers and the change of the division of powers, then the Charter of Rights and the rights under that should prevail in matters of conflict. In other words, if you open it up, you've got to open up the Charter of Rights and Freedoms at the same time so that we do not lose those rights and freedoms, because we could in a transfer of powers.

The modernization of Canadian federalism does not require the complete affirmation of the principal total of similarity between our provinces or between our regions, and they should remain sufficiently flexible and accommodate dissimilarities in some situations between the provinces and regions. Quebec is a current example of this in that they may want to experience concurrent jurisdictions in a way the other provinces do not. An example is the Canada pension plan.

When I mention Quebec, I cannot see a Canada without Quebec; I cannot see a Quebec without Canada. I want to make that clear. To accommodate the dissimilarities between our regions or provinces of this country, there should be a veto given on a regional basis, and this assures us that a substantial number of Canadians will exercise that right of veto – say, western Canada, Ontario, Quebec, the maritime provinces – and in addition to that, by leaving section 33 in the Charter of Rights and Freedoms. To attain this modernization, the objectives we must seek will be a functional but workable division of powers between governments. Our points of reference should be at all times the liberties and best interests of our citizens and people. This should be the first item of business on any agenda, on any negotiating table regardless of whether it's corporation, government, or what have you, whatever level of government: federal, municipal, or provincial. [A bell sounded]

I would then like to pass on to these four proposals that I have, and I'm going to hurry up. I heard the bell.

I'm an advocate of change in the distribution of powers, and any change should guarantee the rights and freedoms of citizens. We have a Charter of Rights and Freedoms. We're well aware of these rights and freedoms, and in sections 1 and 2 of the Charter of Rights and Freedoms we have "freedom of conscience and religion," also "freedom of thought . . . and expression," "freedom of peaceful assembly," "freedom of association." However, those rights, in addition to those rights set out in sections 7 to 15, which point out that every individual is equal before and under the law and has the right to equal protection and benefit of the law . . . I'm shortening it up here and paraphrasing what I have in my notes.

Any distribution of power should guarantee the rights and freedoms of citizens and ensure that the two main linguistic groups are maintained, that along with our multiculturalism institutions, our bilingual institutions are strengthened and maintained. This must be endorsed at all levels of government – federal, provincial, and municipal – across this country.

We must guarantee the respect and growth of our aboriginal people with a granting of self-government, but self-government that they define, that they come in and have a say in defining, so that it's defined by them. Let them make the definition, and by maximizing that and by maximizing the quality and standard of living of the aboriginals, we raise the quality of life of all Canadians. Any change in the distribution of powers between the federal, provincial, and municipal governments must ensure the working of economic union, social security systems, and so on.

If Canadians want real constitutional change, economic and parliamentary reform, they will have to elect people to carry out a restructuring of our democratic system, particularly as it works in the House of Commons and Legislatures across this country. Let's get away from the partisanship – I'm talking about constitutional matters now – and get to parliamentary business immediately and restore the elected representatives' sagging credibility. The respect of Canadians for Parliament and elected representatives is essential for a healthy democracy, but the appearance of the sometimes hard reality of party discipline and partisanship and the outrages that we so often see on television and so on has sort of eroded the respect which some Canadians have for their institutions here in Canada. We see this acted out every day on TV. We see politicians talking to politicians. They don't talk about the real problems of Canadians. All that has been done is that we have created more committees studying more problems. There's no indication of any solution or real action on the real problem faced by Canadians today, and that is unemployment.

The MPs, the MLAs need more independence – that is, on voting on Bills, and I'm talking about constitutional – to help them fulfill their obligations to their constituents and to Canada. They need more independence. It should be set out that in free votes, at least a two-thirds majority will be necessary, and this would include a substantial vote of the opposition. This would ensure a free and open democracy. This should be specifically stated in the Constitution: that on constitutional changes or amendments, it's mandatory that free votes take place. Let the MPs and the MLAs do their job which they are elected to do and take stands on various issues without getting behind party lines. Let them by way of free votes make fair and just laws in this country, and let the Supreme Court interpret the laws, not make the law. That's the responsibility of the MLAs and MPs, in my opinion.

2:06

Parliament will then make the laws based on . . . If they hear the decision of the Supreme Court, they base it on that opinion and say, "Hey, this is the way we're going." I think it should be the other way around, that the Legislatures, you elected representatives, should make the law and let them interpret it, not them make the law and then you come back and say, "Oh gosh, this is what they mean."

In this debate we are challenging and considering all of today's realities and all of tomorrow's potential, hopefully with a wide range of backgrounds and beliefs. I've one more point to make, and that is with regard to interprovincial trade. In all the free trade talk with the Americans which we had in 1988 – and I won't go into that – and now in 1991 we're entering into negotiations for trilateral free trade with the United States and

Mexico, it shouldn't be forgotten that Canada doesn't even have free trade between provinces. We must find ways to economically manage our domestic recovery before negotiating with other countries. That's the first step. Those provincial trade barriers help strangle our domestic economy and our domestic productivity. Federal and provincial trade ministers are still negotiating an end to most restrictions on what governments themselves can buy across provincial boundaries. In the reaction in most provinces to date and I see from the newspapers and watching reports across the country that it is now warming up, they're getting interested.

We must remember that our country was built from east to west, not north to south, and hold this unity. We must strengthen our trading east and west through the provinces. It doesn't seem to matter that outsiders have been telling us for years that we continually keep shooting ourselves in the foot. We seem to be obsessed and preoccupied with interprovincial protectionism. There's little justification for restrictions in our interprovincial trade within Canada, and new arrangements are urgently needed. We must come to a final agreement which will include a series of broad, uncontroversial statements with regard to these.

Research and development. Look at the funds we could bring into this country. We're letting them out, and they're going to some other country to build their products. It could be done provincially with the co-operation of the provincial and the federal governments.

Education, integration of work, family responsibilities, goods and services, transportation.

MR. CHAIRMAN: Mr. Robinson, we are being pressed by a number of other presenters who wish to come up and give their views too.

MR. ROBINSON: I'll close right off here, Mr. Chairman. I'll just summarize here.

To change and open up our distribution of powers in the Constitution, we must also be ready to open up the Charter of Rights and Freedoms – I want to get to this because I think it's most important – but make sure that any changes do not erode the Charter of Rights and Freedoms. We should have free votes in our Legislatures. On matters of Constitution it should be mandatory in the Constitution that free votes will take place on all matters of constitutional amendments. Parliament to make the law, and the Supreme Court to interpret the law. Interprovincial trade should be started on a regional basis, which I think you have already started. That's a good place to start, and then we can develop a national free trade policy.

I won't go into the other things of constituent assemblies or referenda. I haven't got time, but I have it here.

Again, I want to thank you very much for allowing me to appear before you. It's been a pleasure to appear on this constitutional board and to take part in this constitutional process across the country. Thank you very much.

MR. CHAIRMAN: Well, there's one quick question for you.

MRS. GAGNON: You mention that the fact we now televise question period, for instance, is causing an erosion of respect for politicians. Do you think that we should do away with question period? In the U.S., for instance, they don't have such a thing. Or is it just that people aren't used to vivid opposition and debate?

MR. ROBINSON: No, I think it's excellent. I think it's excellent to have that on television. I think it's wonderful for Canadian people to see what goes on in the Legislatures and in the Parliament of Canada. I know some people often refer to it as a bear pit, which it is, but I think that the interchange of ideas, the expression given by members able to take part in debate gives the Canadian people a lot of information. No, I think they should be continued, and I don't think in any way that it erodes. I think sometimes it does, but I think, generally speaking, it gives a lot and lends a lot to our Canada as we know it. It also involves individuals across the country; more so in our parliamentary system. No, I don't think so.

What I'm trying to get over here is that the Members of Parliament and the MLAs should be given more independence to act on behalf of their constituents. They haven't got it, and they're hamstrung. They look to the courts, they look to their party, and they say, "Hey, I feel this." Why can't they go out and say, "This is what I feel," with no ostracism whatsoever? That's the way they feel; okay. On constitutional matters. Whatever they decide on other matters, that's up to the government in power as to which procedure or which direction they're going to proceed. But on constitutional matters, no way. It should be free votes.

MR. CHAIRMAN: Okay; you've made your point very clearly, I think, to us. One of the things I think you've told us is that on constitutional issues we should be able to design a process in which we can then debate the issues on . . . And there are going to be differences of opinion between people who hold different political philosophies, but that we should design a nonpartisan constitutional framework in which to do the debating on other fundamental issues.

MR. ROBINSON: Exactly. On the constitutional issues that confront us or the amending, Mr. Chairman.

MR. CHAIRMAN: Constitutional issues should be done in a nonpartisan way.

MR. ROBINSON: Very much so, and mandatory and set in the Constitution.

MR. CHAIRMAN: Well, that's what this committee's trying to do, so we'll see if we succeed. Thank you.

MR. ROBINSON: Thank you very much.

MR. CHAIRMAN: Joe Roberts, please.

MR. ROBERTS: Hi. I'm Joe. I like question period. Frankly, it's the only time I see a lot of you people have spunk.

I'm here to tell you what I think about the Constitution. I think it's important for people to come forward and to let you know. Whereas you might not always drop around to my house where I can tell you, I'm here to see you now.

What do I expect to get out of a Constitution? First of all, it defines the powers of all the levels of government which they have over each other, that they have over the citizens. It defines the rights, the prerogatives, the duties of the citizens and the state towards the citizens. A lot of people seem to think it has something to do with the environment or abortion or gun control or Ayn Rand or something like that, but I see a very specific thing in the Constitution.

I don't see much reason to change what we've got now. I think our Constitution does an enormously good job of protecting some of the most liberal and democratic rights in the whole damn world. Man, I mean this is a good country to live in. People from all over the world are desperate to get here. We must have something. They're not all just coming here because we've got a big, wide border for the States. We've got one of the best Bills of rights on record as far as protection of individual freedom, individual liberty, and me being able to sit here and tell you whatever the heck I please to tell you. What we don't get right now is any sense at any government level that things have to be changed. I'm getting it from all over the place that we've got to change it for this reason, we've got it to change for that reason, but I haven't heard one good reason for dabbling into it.

What do I want out of the country? I want a strong central government. I used to make a habit of collecting government gaffs and neat little scandals during elections, just little newspaper clippings. When it comes to downright sleazy, petty politics, the lower the level of government you go, the better the sleaze. Provincial politicians, present company included, I guess, seem to me personally to be less desirable. I don't want you people in control of my life, okay? Sorry. I don't believe that you have the vision or the necessary abilities to decide what I can and cannot do. That's why I have a federal government, and it works in that whenever I have a crab at the federal government, guys in Victoria and guys in Halifax are having the same damn bitch. Everybody is affected by the same thing.

2:16

I don't want to see a weakening of powers from the federal to the provincial government like an awful lot of constitutional people are saying we have to do now. I don't consider that provincial politicians have the right to take anything away from me as far as what I've got now. I don't want to know that just because I move to Montreal that I've got different rights or different benefits. I don't want to know that I can't, say, drive down to Coleman because I've got to pass through four different little systems of government to get there. I like the idea of a strong central government, and I think it's something we ought to keep on doing. I like the idea of universal standards right across the country. I mean, that's something your federal government gives you there, and as long as it's allowed to control things, then I can expect my air to be as clean in Ontario as it is in Alberta, at least in federal theory.

Folks are pretty well the same. There's a lot of talk about regional differences and cultural and ethnic differences. When I sit and talk to folks in the bar, you meet guys in from Quebec, you meet them from all over the place, and they've all got the same basic low-level beefs. So as far as I can see, the real purpose of your constitutional reform is, well, it makes lots of useful work for some select committee people, doesn't it? There's this whole parade of constitutional experts leading to some circus that the rest of us aren't even involved in.

It's really pitiful to hear what people from the rest of the world think about our constitutional issues. They wonder what the heck we're doing. What is all the fuss going on in Canada that everybody is so upset about it? I'd like to move to the idea of changing the Constitution being more of a danger than a help at the present time. First of all, everybody's got their own idea of what has to be done, at least everybody who's got a special interest. Shifting powers to the provinces is pretty well, in my opinion, what it was that killed Meech Lake. It was not the idea of a dual Canada or a separate status entity for Quebec but the fact that all provinces would have gotten far more powers than what they previously had. Ooh, that gave me the shivers. I've lived under some pretty rotten provincial governments, and I've lived in five provinces in this country in my life, and I've always felt like a Canadian first. I'm an English Montrealer, but big deal. I've lived in Calgary for 10 years, so I can be a westerner now; I love the mountains – well, big deal. It's a Canadian that I am. When I go overseas with my little maple leaves I have more in common with all the other Canadians there than I do with the foreign people that I meet, and whether the Canadian is some radical CEGEP separatist from Quebec or whatever – "Oh, hi; you know my buddy in Toronto," and we get along real fine because we've suddenly got something that we've got in common.

There's a real danger in all this constitutional stuff about balkanization, this idea that every little region, every little group gets its own status, its own special privilege, its own laws. The blatant favouritism that goes on for minorities gets on a lot of people's nerves. Most people are too polite to come out and say so, but it frightens me that 20 years ago we were all really proud of the fact that there were no bigots in Canada. Now there's a lot of people, myself included, that if I have a political statement to make and somebody says, "Well that's a bigot," I go, "Yeah, so, who cares anymore?" I'm proud to be a bigot if being a bigot means standing up for something that equalizes everybody. There's a real danger in legislating language and legislating culture. That should be something for each of us to have our pride in, and what do I do for my hyphenated Canadianship with my French grandfather and my Irish grandmother, my English grandfather, my Scotch grandmother? Well, there's a lot of hyphens there, and undoubtedly there's a Mongol in the wood pack somewhere.

The big thing to do right now, the big thing to make sure you don't do is don't change the Constitution before there's another general election called specifically on the changes to be made. Last time we got the federal government, "Oh, it's all about free trade, all about free trade." Well, it wasn't, was it? No, it's all about Meech Lake, all about Meech Lake. "Well, you knew about Meech Lake; why did you reject it?" Big surprise, big furore. The Mulroney government right now has no credibility at all. Most provincial governments don't have any credibility with the common people at all. You guys made this fuss and this problem; why should we expect you to fix it?

Where am I here? The whole constitutional process is raising tempers in a normally placid people to the point where you get real wild statements coming out of people of normally respectable, churchgoing attitudes. I mean, when you look at it, to say that civil strife and civil war and insurrection in this country won't happen, it's nonsense. I mean, we fought the Fenians, the Metis, the Boers, the Kaiser, Hitler, Hirohito, Commie Koreans, got Saddam going. I mean, Jacques Parizeau doesn't frighten me. What did any Canadian have against Fenians or Boers or anything like that? But they ended up fighting them anyway. Things change very rapidly, and you guys are doing this juggling act with a bunch of burning fuses. Now, maybe some of the fuses will just sputter out, but I don't like what's happening to the country right now. I don't like the divisiveness. I don't like the lunacy of the constitutional proposals, where everybody's got some sort of little special idea or little special interest.

Let's have one law for everybody, a fair, a democratic, a liberal law, but make sure it's one for all, and if you want to fix something, I've got four suggestions here of stuff you could fix. Fix sleazy politics for one thing. Political credibility is at an all-time low; I mean, I've not heard so many political jokes in my store as I have in a long time. Fix the electoral system all over the country so that if there's a duality upon election, the top two guys run off so at least everybody in the provincial or the federal parliaments is elected by a majority. So it takes an extra week and a few more bucks. Well, big deal; it gives us another week of fun on TV, doesn't it? You guys could go out of your way to encourage the idea of a united Canada. That's what I elected my representative to do, to defend all Canadians for all purposes. And as a personal favour, one of the things the Constitution does is separate church and state, and I for one would like to see God taken out of the Constitution.

I'd like to thank you all for having me here. I'm surprised to be here, to be quite honest with you. If you have any questions, I'll be happy to answer them.

MR. McINNIS: What's your store?

MR. ROBERTS: It's the Sentry Box Hobby Store. I sell science fiction and war games and toys of various assortments.

MR. CHAIRMAN: Well, thank you very much, Joe, for your views. I can assure you that perhaps on a beautiful Saturday afternoon with the sun shining down in Calgary, there are other places that the members of this committee might like to be as well than inside this room. But we have been mandated by our Legislature to listen to Albertans, and that's what we're doing. That's part of the democratic process, and we've enjoyed your presentation and your very forthright . . .

MR. ROBERTS: Well, the bootless and the unhorsed do thank you very much for the opportunity.

MR. CHAIRMAN: The bootless and the unhorsed. Okay. Thank you very much.

MR. ROBERTS: Thank you.

MR. CHAIRMAN: Jim Walton.
Welcome, Jim.

2:26

MR. WALTON: Ladies and gentlemen, my presentation is fairly short. I would like to start here on what I would like to see brought in in changes to our Constitution. A full, three-E Senate with a four-year term for the Senators and a Parliament with a four-year term, with no bringing down of the government on no confidence or money Bills, and elections on fixed days in order to free up the MPs to be able to vote, even against a particular party, in order to represent their own constituents. I would like to see the Prime Minister removed from Parliament – not necessarily this one – to be elected nationwide as an executive, and him and his appointed cabinet, which he would appoint from outside the Parliament, would act as the executive arm of the government.

The appointments to the Supreme Court would be subject to Senate review, with a fixed term of seven years.

A strict separation of jurisdictions between the federal and provincial governments. In the old British North America Act, for instance, health and welfare and so on were provincial jurisdictions. The federal government intervened into that back in the 1940s when they brought in family allowances, and they've never stopped. Now we have these two monsters, one in Ottawa and one in Edmonton or whatever other, sucking money out of the taxpayer like crazy and coming up with laws and regulations that nobody can live with. The federal government should be downsized enormously from where it is now, I believe. It should have jurisdiction in foreign affairs, armed forces, primarily the jurisdictions it had under the old British North America Act, and be severely restricted in their ability to move into provincial jurisdictions.

The Parliament of this country should control the money, its issuance, its value, and its value in relation to foreign currencies. It should be taken away from the banks and placed under the control of the politicians that are elected by the people. The prohibition of any government to deficit finance.

The right to binding petition and referendum on all major spending, taxes, and changes to constitutional rights. The prohibition of government – well, it would be only the federal government – from entering into alliances or deals with foreign governments or agencies which restrict the sovereign rights of the people of Canada within their own country.

The War Measures Act and an order in council respecting emergency planning, of May 21, 1981, to be forced to comply with the Charter of Rights and Freedoms in this country.

Now, I would like to see some changes made on the rights and freedoms. The cultural heritage and laws of this country of Canada from its founding until recently have been Christian in nature and ethics. If we are to have a country that its people can be proud of, its base of law must be once again anchored on God and His natural law. All nations have to have a philosophy in order to survive in the long term. Ours has always been Christian and should remain that. One of the reasons we have people from other countries wanting to get into this country is because of its heritage of freedom and its law system that comes from that heritage.

Another point I would like to make on rights is that the only future any country has is in its children, and in Canada now the government aids and encourages the death of well over a hundred thousand children every year. If this country expects to remain a country for very long, this slaughter must be stopped. The primary right is the right to life, as all other rights flow from it, and the right to life must be restored to all Canadians, from conception to natural death. In the American debates in 1777 on the Constitution in their country, there was a man – I believe his name was Mason – who made the point that God does not punish countries by sending them to hell. Their punishment is in this world, and he said that if we don't remove slavery from this country, with its Constitution, the future will be forced to pay the price of that, and the future was only about 70 years or so away from the time he said that.

The same thing applies to the right to life. We have in our country of Canada in its bill of rights, the Charter of Rights and Freedoms, the right to life. It's very plain, yet our courts have chosen to take the point that you can start dividing these up. If they can divide and say, "Well, this isn't a person because he's not born yet; he's just about to be born, but he's not a person yet," and kill him, there's nothing that says that down the road that same court can't say that you're a little old or you're a little crippled or whatever else and deprive you of that right as a person. So this right must be established firmly.

Following the right to life must be added the right to private property and the enjoyment and use thereof, which is not now in this Constitution and is absolutely an essential right for all Canadians. The Human Rights Commission should be taken out of the government. There should be no such thing as a Human Rights Commission. For over a hundred years the laws of this country did a far better job than has ever been done since this came into existence under this Charter.

Bilingualism and biculturalism should be taken out of the Constitution. Its policies have been a complete failure and have only increased the division of people, both language and culture, throughout the country and have enabled politicians to divide and conquer their constituents.

No group of citizens should be given special status or privileges in law or the Constitution. Any special status or privileged citizen in a Constitution is a time bomb that some future generation will have to deal with, and our classic example of that right now is the Indians. They made that a special status back in the 1800s, and this is exploding in our face right now. A citizen should be a citizen should be a citizen, and that's it. Every person, I believe, should have the right to self-defence and the defence of their neighbour and property, and every citizen of a free country should have the right to keep and bear arms within reason.

Going back to the economy, I believe that in this country our choice is being made. You either have rich governments and poor people or rich people and poor governments, and I am firmly in favour of poor governments.

MR. CHAIRMAN: I think you mean in terms of the amount of money they have at their control.

MR. WALTON: Well, being able to take it off the citizen should be severely restricted.

Going back to the Americans, Thomas Jefferson wrote: I place economy as the first and most important virtue and public debt as the greatest of dangers to be feared. To preserve our independence, we must not let our leaders load us with perpetual debt. If we run into such debts, we must be taxing our meat and drink and our necessities and our comfort, our labour and our amusements. If we can prevent the government from wasting the labour of the people under the pretence of caring for them, they will be happy.

Thank you very much.

MR. CHAIRMAN: Thank you, Jim, for having expressed your views so clearly. You were very much in support of the BNA Act, and it says we want peace, order, and good government. I'm sure you mean that, that you want good government. How we're going to get it, of course, is something that everybody is striving to learn. Any questions, comments? Thank you very much.

David Lovece. Did I pronounce your name correctly?

MR. LOVECE: Yes. Lovece.

MR. CHAIRMAN: Lovece. Okay, David.

MR. LOVECE: This should go back, up front.

2:36

MR. CHAIRMAN: Well, that's so the people behind can see and the people on this side of the table can see your name as well.

MR. LOVECE: I would like to pass this around so you have a copy when I read. First of all, I would like to thank you and the committee for the opportunity to participate in these public hearings. I consider that the discussion paper Alberta in a New Canada provides an excellent framework for discussion and an indication of the path we're following.

First of all, I would like to speak about the process of constitutional reform. I consider that one of the most important aspects of the process of constitutional reform is to make this process visible and clearly understood by Canadians. At this moment, among other initiatives we have several processes being carried out, as far as I can see. We have the Ministry of Constitutional Affairs, headed by Mr. Joe Clark. We have the Keith Spicer commission. We have the Constitutional Reform Task Force of Alberta. We have the announcement that the federal government is sending a parliamentary committee to hold cross-country hearings after it unveils its constitutional process in September.

Besides all of these, part 5 of the present Constitution prescribes a formula for amending the Constitution. This formula involves the resolutions of the Senate, House of Commons, and Legislative Assemblies. It is not clear to me which process of constitutional reform we are pursuing. How are all these elements going to fit together? I believe we must fully define this process, the goals and the way in which the views of Canadians will be incorporated in the final resolutions. We need true, effective, and proportional participation of all Canadians in the amendment of the Constitution. We want the final decision to be made in a national convention or in a referendum where our province and the people of Canada have clear proportional representation. We want to have the chance to approve or disapprove the clauses of constitutional reform. At the minimum we should have official polls or a referendum that provides input to the Parliament and federal government. We must guarantee that the views of the people will be reflected in our Constitution.

There are a few topics that I will touch on related to the Constitution. Clear and defined objectives in the Constitution. I believe we have been debating, talking, and discussing for a long time around words without translating them into their true meanings. Clauses like "distinct society" should be explicitly translated into requirements. I believe this term only reflects further truths. It reflects aspirations and expectations. I would ask: which are the special powers that "distinct" will mean? Which are the special rights that the word implies? Which are the economic implications of a distinct society? Which is the cultural role that the distinct society will carry?

After all these years a common citizen might not necessarily know in plain terms what Quebec people really want. There is a fundamental difference in what Mr. Parizeau and Mr. Brian Mulroney say and what the people of Quebec and Canada might say. In clear terms, what is it that we want that is common? What is it that we want that is different? What are the advantages for Quebec of a separated Quebec? In which way can we Canadians benefit? Once we know and clearly define what we want and the consequences of the decision, then we can translate these wishes into polished terms or objectives that can put emotion and context into our pragmatic vision. I believe that the balance of power and the common goals in a federal system can satisfy the true aspirations of all of us.

The essence of democracy and the government. We basically understand democracy as government by the people through their elected representatives. To fully achieve a fair democracy, all people should have proper representation. How will the Parliament be elected? I believe that a proportional vote will make for a fair representation of the people in the Parliament and, as a consequence, in the election of the Prime Minister. I would also like to see the head of state elected among Canadians. I believe we Canadians can be the complete owners of our destiny. I believe equal rights should start from the right to be elected for the highest position of the country. I would like a Canadian to represent us everywhere.

How should our representatives and government listen to Canadians? In this changing world, I expect the government to request continuous feedback from Canadians on issues and decisions. I also expect that the views of the people will be reflected in the resolutions.

How could we improve the consultation process? The government must use a mechanism to listen to people more frequently. Besides other processes being used, we should include the use of standardized polls or referendums as required. Basically, we should use a mechanism where the people can judge if they are being listened to, not the government judging itself that it is listening to the people.

The balance of power and responsibilities. As we are heading into the 21st century in a community of trade and global businesses, a strong and coherent Canada would benefit all of us. I believe that federalism will provide the proper model of government that we need. We must reach agreements on how much power, responsibilities, and rights are to be given to provinces and to the federal government.

We should reorganize the present powers and responsibilities according to a more efficient and effective system, where mutual agreements between the federal government, the provinces, and the municipal governments are achieved. The basic principles of government accountability should be included.

The Senate. I consider that an elected Senate with proportional representation from the provinces would provide a fairer and balanced representation. The members of the Senate should be elected in alternate elections related to the House of Commons and should last no more than six years as representatives. If these members are not elected, it will then be more appropriate to abolish the Senate.

Economic policy and the Constitution. We should have a basic set of economic principles that promote improvement of regional disparities and improve social welfare across the country. These principles should be of broader scope than what is included in part 3 of the present Constitution.

What are the relationships to corporations? Multinational corporations are as important and influential as many states. Shouldn't we have principles that make these relationships visible? I consider that there should be a clear relationship between the responsibilities of the government and the provinces and the tax revenue allocations. Unilateral cutbacks should not be allowed. The federal government should be allowed to require minimum standards to federal transfers. A larger share of tax revenues should be allocated to our provinces as required to carry out the responsibilities that we share.

Finally, some conclusions. Today I read in the *Calgary Herald* the results of the latest poll on unity, the Southam unity survey. It clearly reflects the will of Canadians to stay united. I have to say that this is my personal interpretation of the poll; you can interpret it in other ways. To the question, "Do you feel profoundly attached to Canada?" more than 62 percent in English Canada and in Quebec indicated yes.

2:46

Now, we need to accomplish this. I will say let's make this process visible. Let's state what we want, what are our common goals, and reach out to deal with our differences. Let's make the process visible. This will give a clear indication to Quebec of the seriousness of our task. This will allow all of us to concur in our final, redesigned Constitution. The time frame for constitutional reform should be dictated by the time required by Canadians to fully understand the issues and to strongly participate in the shaping of the redesigned Constitution. We need to improve the election of our representatives and allow the people to elect our Senators and heads of state. We need to include in the Constitution guidelines that clearly direct the government to translate into actions the mandate of our people. This mandate is not a static process that finishes at election time but a dynamic process that needs to be continuously exercised. What we need is to dramatically change the focus and break the pattern. We need to focus on Canada and on our common long-term goals as a country.

Thank you.

MR. CHAIRMAN: Thank you very much, David, for your participation. We will share your views with the other panel members, who are now in Edmonton hearing representations from Albertans as well.

Is there is a question? Yes, John.

MR. McINNIS: David, you mentioned that an elected Senate should have proportionate representation. Is that the same as triple E, meaning equal for each province, or do you mean proportionate as to population?

MR. LOVECE: As far as I know, the triple E means that you will have the same number per province, and I consider that should be that way if the Parliament is elected on a proportional basis.

MR. McINNIS: You mean the House of Commons.

MR. LOVECE: Right.

MR. McINNIS: Yes. Okay, thank you.

MR. CHAIRMAN: Well, thank you very kindly.

We're going to take a break. Everybody needs to stretch, I think. We'll be back at 3 o'clock sharp. Thank you very much.

[The committee adjourned from 2:48 p.m. to 2:56 p.m.]

MR. CHAIRMAN: Ladies and gentlemen, we have Jack MacLeod. Would you come forward, please, Jack, and we'll get started. Thanks for joining us.

MR. MacLEOD: Thank you. Where does this go?

MR. CHAIRMAN: It's both sides so we can see your name and so can the people in the audience.

Thank you for joining us this afternoon. We are operating under a fairly tight timetable. You'll hear a bell at the end of 10 minutes, and then when you hear a second bell, it will mean 15 minutes and we'll have to bring your submission to a conclusion then.

MR. MacLEOD: Thank you, Mr. Chairman, members of the committee, and audience. I appreciate the opportunity to talk briefly with you on the committee today. I sought this opportunity, in fact, because as a citizen and as the chief executive of a large corporation of national scope, I'm gravely concerned that the constitutional crisis has put the political and economic stability of Canada at risk.

The collapse of the Meech Lake accord appeared to signal that we Canadians had allowed the legitimate debate over constitutional reform to reach an emotional fever pitch that threatens to result in breakup of the country within a very few years. Over the past few months my Shell business associates in Quebec have told me they wish to see the Canadian federation continue as one country, but they hold little optimism that the constitutional reform necessary to achieve that objective will be agreed, given that they have seen little evidence of a bona fide commencement of the process. My business contacts outside of Shell in Quebec express the same view.

I think the first tragedy in this hiatus is that although meaningful constitutional reform is desired by every province in Canada, the aspirations of Quebec are the lightning rod in the debate, and the debate is being trivialized by the now too frequent question from voices in Anglophone Canada asking, "What does Quebec want?" and the equally too frequent Quebec voices responding, "The rest of Canada hasn't made us an offer." The real tragedy is that failure to achieve meaningful constitutional reform within two years or so will in my view almost certainly result in Quebec separating from the rest of Canada.

I believe there is a solution to constitutional reform that can preserve Canada and reinforce the ability of the country to achieve strong sustainable economic growth. I believe that key elements of that solution are the aspirations of all Canadians for less government, for more effective government, and for reformed institutions of government. I also believe that the majority of Canadians would welcome a constitutional framework within which we can share, in greater harmony than in the recent past, the benefits of the cultural diversity of the people in all regions of Canada led by the cultural distinctiveness of the people of Quebec.

Time is short, and the cost of failure will be extreme. It will be extreme in economic terms, it will be extreme in terms of loss of Canadian influence in international affairs, but it will be most extreme, in my mind, in terms of the loss of the less measurable but more heartfelt value of cultural diversity that we have enjoyed as a single federation of peoples in Canada.

I'm sure, Mr. Chairman, that you and the committee are familiar with the Business Council on National Issues and the work that the business council has done on the constitutional issues. The council comprises the 150 chief executives of major corporations in the country, and it put a task force of its membership, with some professional intellectual input from members of the academic community, to work this past winter to develop a statement on constitutional issues on behalf of its membership. It published that statement in April this year, and I'm sure that the statement is available to the committee. If not, I would be happy to make it available to the committee. Therefore, in the brief time this afternoon I will not try to review the points in the BCNI statement to any great length. I have a few comments that I wish to make about them.

The statement and the position developed by the council and supported by all of its members including myself enumerates a series of both political and economic principles that the council believes must be fundamental to the pursuit of reformed constitutional and political structures for a revitalized Canada. Significant within the principles, I believe, is the fact that this council, with a predominance of membership from central Canada, is unanimously proposing that there be reallocation of powers, some decentralization of power between the federal level and the provincial levels in this country as part of the resolution of the constitutional issue. I think you are all well aware that for businesspeople from central Canada to be proposing some decentralization of power is a clear indication that their minds have been grasped by the concern that there is a major issue facing the country. I don't say that with any disrespect to my colleagues from central Canada, but I think it's true.

The statement also deals with some political reform, reform of political institutions, and among other things proposes a reformed Senate: that a reformed Senate be an elected Senate with regional representation. I would add that in my belief that representation must not only be regional but also must include real representation by the aboriginal peoples in Canada.

The last point that I would make in general concerning the BCNI statement is that the driving philosophy of the statement is that we retain one Canada, and what is particularly significant there is that this statement is joined in by many of the Francophone leaders of French Canada.

I will leave the BCNI statement there and simply say that I sincerely hope that it will be one of the papers reviewed in detail by the committee.

A few other points briefly. We have seen over the last several months the publication of two reports within the province of Quebec, the Allaire report and the Bélanger-Campeau report. I believe there is value in both of those reports to those of us in the rest of Canada who are concerned with the resolution of these issues.

The Allaire report I view somewhat as a single constituency report; that is, representing a single constituency within Quebec. If that is correct, the constituency that it represents is the elitist constituency within Quebec who philosophically wish to take autonomy to the extreme, almost for autonomy's sake. Therefore, the focus and the thrust of the Allaire report is to devolution of power to the extreme: 22 different portfolios of government assigned to the province of Quebec. Although that is a representation of the elitist constituency in Quebec and although it's extreme, I think all of us in Canada, no matter what province we are in, find some significant potential for improvement in the governments of the country if there is some degree of devolution of power – or perhaps better said, some reallocation of power – not only from the federal government to the provinces but in some cases from the provinces perhaps to the federal government.

3:06

The Bélanger-Campeau report is a report of much greater breadth. It certainly represents several constituencies. It provides for all of the flexibility of options in solution of the constitutional crisis that I think perhaps are necessary. It does acknowledge the sovereignty people, the separatist constituency in Quebec, as a last option. It does clearly acknowledge the desire of the major constituency within Quebec for one Canada to continue, because it acknowledges and proposes that the special committee of the Legislature be prepared to evaluate any serious offer for constitutional reform received from the federal government on behalf of the rest of Canada. It does acknowledge, just as you and I would, I believe, right up front the need for serious and meaningful constitutional reform.

There will be serious economic consequences for Canada should we become two or more countries where there is now only one country. Very few institutions in the country have yet been able to quantify the economic consequences, but directionally I think there can be no doubt that they are severe for both a new country in the place of the province of Quebec and the rest of Canada as a country. As a country it's fairly clear, I think, that we need to be directing very concentrated attention to improving the performance of our economy, improving our competitiveness in the global market, improving the education of our youth, dealing with environmental issues, sustainable development issues, but we are distracted to some considerable degree. We have been and continue to be distracted from these major economic issues by the constitutional issue, and if in fact resolution of the constitutional issue results in anything less than one Canada, our ability to deal with those issues effectively, be we the rest of Canada or Quebec, will be diluted substantially.

Nevertheless, in my view the resolution of the constitutional issues between the rest of Canada and Quebec is not going to turn on economic factors. It's going to turn on issues of the heart. I think we've got the people in Quebec who will lead that province to a separate country if they feel they must recognize that there will be a severe economic cost of transition to a prosperous future country of Quebec in the longer term, but they will be prepared to absorb that cost if their cultural and linguistic objectives or their reasonable aspirations for autonomy of government are not achieved in the settlement.

One last point, Mr. Chairman. While I trust and hope that our present institutions of government will be able to effectively resolve these constitutional issues, I would be saying to anybody in the political process who represents me that at the same time as wishing that the present institutions can resolve the question, I would wish the present political process to consider, as a last resort if necessary, some form of constituent assembly.

Thank you.

MR. CHAIRMAN: Thank you.
John McInnis first, then Fred Bradley.

MR. McINNIS: Mr. MacLeod, I'd like to thank you for bringing the Business Council on National Issues' brief to the table. We haven't seen it thus far, and I think that's an interesting addition to the debate.

It seems to me that big business in our country is one of the few voices at the present hour in Canada's history supporting decentralization of power from the federal government. There are, of course, some provincial governments that support that, and there are those who support those provincial governments. But we're hearing a lot of people who feel that the appeasement of Quebec, which piggybacks to other provinces, may have got us into trouble, and they're looking to move things the other direction. I'm just wondering if the BCNI brief doesn't reflect the fact that many of the key components in economic development initiatives – I'm thinking of labour policy, environmental regulation, taxation, and capital assistance – that big business now feels more comfortable dealing with the provinces on those issues than they do with a strong central government.

MR. MacLEOD: It may be true that they would feel as comfortable or more comfortable dealing with the provinces on some issues, but that is not driving the consensus of the business council. In fact, in coming to the position stated thus far, the council has made no attempt at all to try and differentiate to any specific degree those areas of governance that would be best at the federal jurisdiction and best at the provincial jurisdiction, except a few obvious ones such as national defence.

MR. McINNIS: How, then, do we interpret the statement that we need more decentralization within the Canadian federation?

MR. MacLEOD: That's our sense of a driving force of the majority of Canadians both inside and outside of Quebec for constitutional reform: some greater decentralization of government power, closer to the coal face so to speak, closer to the hand of the voter.

MR. McINNIS: Thank you.

MR. BRADLEY: Well, thank you, Mr. MacLeod, for bringing forward your views and introducing the Business Council on National Issues' position, and we would like to receive that paper because we haven't. My question sort of flows along those lines, because I think you're the first representative we've had that one might say comes from big business, and representing the Business Council on National Issues I suppose we can call you a representative of big business. We've heard representations over the period of the hearings from some individuals and groups who suggest that big business has a constitutional agenda relating to dismantling our social programs in the country, specifically our health care system. Since we haven't had an opportunity to ask that question of anybody who actually represents big business, is that one of the constitutional agenda items that your council has, to dismantle our health care programs?

MR. MacLEOD: First of all, let me say I didn't come representing the business council. I came in my own right, but not being expert on anything related to constitutional matters, I drew on the business council work, and I do believe the brief could be useful.

No, it is not on the agenda of big business in Canada to dismantle the social net, to dismantle the health care system in this country. It is the view of big business in Canada that the social net, including the health care program, has become extremely expensive, perhaps more expensive than we can afford to project into the future, that in many cases it is subject to abuse and excess, and that there should be some reform to address those things. But there is no agenda for a dismantling in any significant way.

MR. CHAIRMAN: Thank you.
Yolande Gagnon.

MRS. GAGNON: If it's any comfort, Jack, we've heard from a lot of people, including the Task Force on Canadian Federalism, that they do want Canada to stay together. I'd say at least 90 percent of the people who've presented on behalf of their groups or as individuals want that to happen and hope we'll find a way.

I would like to pursue just quickly your vision and maybe the vision of BCNI on educational jurisdiction. Shared, provincial: what should it be like in order to fulfill the needs of Canada in a global market and so on?

MR. MacLEOD: I think my personal answer to that is shared. I believe that we suffer considerably across the country from lack of any consistency of standards despite a very good body that exists, the Council of Ministers of Education. I personally would not feel that education should become the predominant preserve or the predominant jurisdiction of the federal government, but I believe a shared capacity of governing there would be beneficial.

3:16

MR. CHAIRMAN: Thank you very much for your comments and participation today.

MR. MacLEOD: Thank you.

MR. CHAIRMAN: Next, Bohdan Barabash and Nicholas Topolnyski. Welcome, gentlemen.

MR. BARABASH: Thank you. Good afternoon. Members of the Legislature, Mr. Chairman, members of the select special committee, on behalf of the Ukrainian Canadian Congress, Alberta Provincial Council, I would like to thank this committee for the invitation to appear today. I am Bohdan Barabash, president of the Ukrainian Canadian Congress, Edmonton branch, and executive member of the Alberta Provincial Council. With me is Mr. Nicholas Topolnyski, who is president of the Ukrainian Canadian Congress, Calgary branch, and also executive member of the Alberta Provincial Council. I believe you all have received a copy of our brief, so I'll limit our presentation at this point to a few highlights.

There exists a plethora of confusing constitutional, Charter, political, social, and economic issues. The vast majority of these issues, however, are neither new nor unique. Their successful resolution is wholly dependent upon the most basic principles that a society espouses. It is here that the root of Canada's crisis exists, and it is firstly here that changes must be made. The principles of individual rights, human rights, fundamental freedoms, and equality must be unalienable and unequivocal.

Ukrainian-Canadians have always desired and have worked in co-operative and peaceful harmony with every Canadian group. We have always recognized the reality that Canada is a diverse, multicultural, multilingual, multinational country whose strength and unity lies in co-operative harmony. The singleness of purpose of this co-operative diversity is what defines Canada and Canadians. The underlying foundation for this harmony is respect, recognition, equity, and equality. This is the harmony of multiculturalism. As such, there is no incompatibility in being a Canadian and a Ukrainian Canadian. The two are not mutually exclusive. They are as complementary as being an Albertan and a Canadian.

The Alberta Provincial Council wish to point out as well our declaration on freedoms and rights. We do not recognize any provision within the Constitution of Canada, the Charter of Rights and Freedoms, the Alberta Bill of Rights, or any Acts or legislation that limits, compromises, or abrogates in whole or in part the rights of freedom of speech, of assembly, of association, of religion, equality – by which it is meant equality before the law, before all governments in Canada – equal access to and use of common and public resources, equitable and fair treatment in all aspects of society past, present, and future, and finally, basic freedoms retained by the people whether enumerated in any legislation or omitted. Based on that, I'd like to go through the four recommendations from the Provincial Council.

Recommendation one: equity and equality. That section 27 of the Canadian Charter of Rights and Freedoms be transformed from interpretive to assertive and substantive, protecting and promoting the rights of all nations, national minorities, ethnocultural communities, and ethnic groups in and of themselves.

Recommendation two: equity and equality; language educational rights. That equal language educational rights for all nations, national minorities, ethnocultural communities, and ethnic groups be entrenched within the Canadian Charter of Rights and Freedoms as well as the Alberta Bill of Rights. Such rights are to be provided in accordance with the express desire of parents in any area of the province in which the number of children is sufficient to warrant the provision out of public funds of such minority language educational facilities in that area.

Recommendation three: inalienable and unequivocal rights. The following specific clauses, which promulgate and foster discrimination, bigotry, and inequality as well as permit arbitrary denial of fundamental rights and freedoms, must be immediately repealed, to wit: section 33(1) in the Canadian Charter of Rights and Freedoms, known as the notwithstanding clause; chapter A-16, section 2, Alberta Bill of Rights, which is Alberta's version of the notwithstanding clause; chapter I-2, section 1(1), Individual's Rights Protection Act, *Revised Statutes of Alberta*; and finally, section 1, Canadian Charter of Rights and Freedoms, known as the reasonable limits clause.

In coming to recommendation four, democratic representation, recognizing that a constituency need not be limited to geographic boundaries, we are recommending this. Canada is a diverse country with a multitude of ethnocultural collectivities and groups, some recognized, some not. To ensure the basic precepts of democracy and to promote unity through harmonious co-operation, representatives selected by all these ethnocultural collectivities should become members of the Senate and of the Parliament on a national level. Provincial and territorial assembly membership shall be governed by existence of those collectivities within the respective region. These representatives are to be independent of all political parties and are to have the rights and privileges of an elected member. However, they may only address and vote on issues and legislation that affect their constituents. There shall be a provision for membership in committees, subcommittees, commissions, or other duly constituted bodies whose mandate falls within the purview of these representatives individually or as a category.

Thank you.

MR. CHAIRMAN: Thank you. Are there questions?

Yes, Bob.

MR. HAWKESWORTH: I wonder, Mr. Barabash, if you could just take a moment and expand on this last recommendation. As you went over it, I envisioned a situation where perhaps we'd have Members of the Legislature, for example, and then there'd be sort of other representatives of the Legislature that, say, when certain questions came up, would have the right to vote but not at other times. I'm not sure that that's a proper understanding of what you're getting at, and I wonder if you could take just a moment to expand and maybe clarify a little bit what's intended here with your fourth recommendation.

MR. BARABASH: The important issue here is not a matter of vote, first of all. Second, the number of these representatives, even if they were to vote collectively the same way, would have very little, if any, impact on actually voting on the legislation. The primary purpose of this recommendation is to ensure that each of these groups has a voice available in the appropriate places, that being all levels of government.

MR. HAWKESWORTH: Some Albertans that have appeared before the committee in the last week or so have spoken fairly adamantly about everyone being treated equally. They feel that every Albertan should have exactly the same rights and privileges as any other, and the same for Canadians, that there shouldn't be any distinct or special status for any group or individual. I sort of interpret you to be a bit at odds with that point of view, but I wonder if you could maybe comment on that concept and how you might agree or disagree with some of the intent behind that point of view that we've heard.

MR. BARABASH: Let me re-emphasize again as I did earlier. The Alberta Provincial Council absolutely upholds the fundamental equality of all people in Canada. That is not an issue in this. This is an issue of democratic representation. The fundamental precept of democracy is one man, one voice. In a representative democracy that's been modified to one man, one vote, and that has taken on, also, the absolute rule of the majority. However, that is subject to implicit requirements. The first is that in order for the rule of majority to be valid, we must have the minority willing to accept the rule. The only way we can ensure that is if the minority does have a voice. Finally, implicit with that is that whatever the ruling is, it falls within the purviews of the freedoms and rights of all people. Going back to that, then, it's a matter of voice. We are seeking here a direct voice for our particular concerns.

3:26

MR. CHAIRMAN: Can I just follow up on that? What it would appear to mean to me is that if there's a German-speaking group within what you call an ethnocultural collective in Medicine Hat, where the German population, people of German origin, is roughly 43 percent, in addition to the generally elected MLA, myself, there should also be somebody elected to our Legislature to represent that ethnocultural group in the Legislature.

MR. BARABASH: Not just one per geographic location. Using the province as an example, if there is a German collectivity that exists in Alberta, one representative for the whole province.

MR. CHAIRMAN: Let's say that 10 percent of the people of Alberta are of German origin. Therefore, 10 percent of the elected representatives should be German to represent that ethnocultural group. That's what this seems to say to me, and it strikes me as being a very unusual recommendation.

MR. BARABASH: We don't base this on statistical existence; what we are on is a sociological definition of ethnocultural collectivities. That means we don't say that just because there are 10 percent of one nationality or another, they automatically get representation. There is a requirement for some sociological structure within that collectivity.

MR. CHAIRMAN: But once it's been identified, that group would separately and apart from the rest of the population elect representatives to the Alberta Legislature to represent them as Germans or Ukrainians or Greeks or whatever. Is that what you're suggesting?

MR. BARABASH: As German-Canadians, yes.

MR. CHAIRMAN: Okay. Sorry; I don't want to pre-empt you here, Yolande, but the second recommendation would appear to do away with English and French as official languages of Canada, in effect.

MR. BARABASH: Not at all. I hope you don't misinterpret this. Perhaps I could point out additional material within the brief when you have a chance to read it. We have never denied – in fact, we have supported – the official languages. We've supported the existence of French and English as official languages. What we are asking here, however, deals with language educational rights: that it not be limited to only French and English minorities in locations, that any language may be used as an educational language where such numbers warrant.

MR. CHAIRMAN: And that would be constitutionally entrenched?

MR. BARABASH: Absolutely.

MR. CHAIRMAN: Okay; that helps clarify your recommendation. I'm sorry; the wording was a little difficult, and I just wanted to make sure I understood it.
Yes, Yolande.

MRS. GAGNON: I am interested in recommendation one, and I wish we had hours.

MR. BARABASH: So do I.

MRS. GAGNON: It seems to me that during this last week we've heard from some visible minorities and other people who maybe just belong to minority groups that the way section 27 is now, at least some of its regulations, continues their separateness. They make people feel forever separate and different. They're not creating a sense of belonging for them. It puts them apart. When I read your recommendation, you say that section 27 "be transformed from interpretative to assertive and substantive; protecting and promoting the rights" and so on. What do you mean, "from interpretive to assertive and substantive"? See, a lot of people think that all it is now is money for clubs and community centres and so on. Other people have said to us that what is really needed is money to help dispel ignorance, prejudice, and bigotry, to promote more English as a Second Language. Could you expand just a little on what you mean with these words "promote" and "protect"?

MR. BARABASH: Let me address your first issue, and that is the issue of divisiveness. If one takes the approach that Canada is to be one country, one culture, one language, one socio-economic structure, then you can say that any differentiation is division. However, the reality of the matter is that we do have many differences, not only on the basis of collectivities but all of us as individuals are diverse. We are all different. That's why the existence of something like the Charter of Rights and Freedoms is to ensure the equality within a diversity, not only of individuals but within any other type of identification of groups of peoples. So how can that be divisive? It can only be divisive if one or more individuals or groups wish to have special status. Our position is that we fully uphold the equality principle and the rights and freedoms within the Charter of Rights, and that we are all equal and we should all have equal opportunities and equal access.

MR. CHAIRMAN: Thank you for coming before us today and giving us some very provocative ideas to think about.

MR. BARABASH: Thank you very much, ladies and gentlemen.

MR. CHAIRMAN: Doug Hyslip. Welcome, Doug and . . .

MR. HYSLIP: My wife, Donette. She's my support for today.

MR. CHAIRMAN: Well, please proceed to give us your views.

MR. HYSLIP: Thank you, Mr. Chairman. I'd like to thank all members of this committee for the opportunity to speak before you. My name is Doug Hyslip, and I make this presentation on my own behalf as a fifth-generation Canadian who's recently realized his heritage is being lost in this political crisis. As I suggested, Donette's here to support me in my presentation.

Mr. Chairman, I'd like to begin by reading the preamble from a brief I submitted to the federal government special joint committee on the process for amending the Constitution of Canada. In watching the initial proceedings of the special joint committee, I was immediately concerned that Canada's problems are not always presented to or by Canadians. Surely we can admit that the special-interest groups do not even pretend to preserve and promote Canada as a nation. It is my contention that if the voters and politicians of this country had to pledge national allegiance to Canada, this country would not be in a crisis. As a Canadian, I believe this lack of national commitment and identity is the very crux of Canada's constitutional crisis.

Speakers before the special committee have said that we must envision constitutional reform, but to my knowledge no one to date has addressed the essence of nationhood that requires constitutional reform. Politicians boast internationally of Canada and of Canadians but speak domestically of our diversity of Anglophones, Francophones, ethnic minorities, gender equality and never of the universal equality of Canadians. The federal committee is, in the eyes of the Canadian public, simply another forum for minorities to exact political privilege at the expense of the nation.

In a previous submission to the Spicer commission I suggested that Canada will fail because government does not demand that those who come before it be Canadian, that they be representative of the people that the Constitution embraces as a nation. Sadly, the converse is also true: the Constitution is not representative of the nation's people. It is the product of politicians and has never been ratified by the people. Certainly government has couched token ratification in political election processes and political accords, but the fact remains that the Constitution of Canada, which empowers government, has no lawful meaning until ratified by the people. The Canadian government therefore exists only by its own political will. It has never been sanctioned by the sovereign people of the nation.

Canada's crisis revolves about the nature and power of the Constitution and Charter, and I charge that it is the responsibility of this committee to educate the general public in this regard. It's not enough to know what is presently accepted but what is demanded by the following democratic principles. A nation is but a group of sovereign people making declaration that they are of a common will and purpose. Principles of this common will are represented in the people's Constitution as ratified by simple majority. The Constitution empowers all else, the Charter of Rights and Freedoms being but the Constitution's delegation of individual rights by will of the majority. The Constitution empowers government to act on behalf of the people's majority as administrator of the nation, preserving and promoting its continued existence. The Constitution reserves the people's right of political initiative, recall, and referenda as control over government. The Constitution and government is the representative of the people's collective will by virtue of simple majority processes.

3:36

By these principles Canada is not a democratic state, because as a people we've yet to declare and pledge allegiance to a common national purpose. We've yet to ratify a Constitution representative of the people's majority. The lack of such a Constitution prevents us from empowering any system of government. Technically one might argue that Canada does not exist, except in the hearts of a precious few. If Canada truly embraces the democratic principle, the process for amending the Constitution of Canada lies in the people's right to petition government for political initiative, recall, and referenda. I remind you that the democratic constitutions are representative of the collective will of the people, not government and politicians.

I respectfully suggest that the solution you seek is not nearly as mystical as the quest for the Holy Grail minority groups would have you believe. It is a typical organizational development problem one might encounter in corporate business, one to which management would assign an appropriate task force to investigate and make timely recommendation. Corporate management would be remiss in ignoring the consensus of opinion with respect to the recommended solution. My investigation of the problem before this committee raises serious questions concerning the legitimacy of the democratic state and the rights of Canadians. I recommend that this committee confirm these basic principles of democracy before advancing another political process for amending the people's Constitution.

The unity of this nation lies not with the decentralization of powers to the provinces but in abolishment of the provincial Legislatures and the people's acceptance of a unitary system of national government administered at the provincial level. The present adversarial system of political parties is also self-defeating, the people of Canada continually oppressed by the willful dominance of political party discipline and patronage. Constituent assembly as a form of national government is possible. I've recommended consideration of such a form within my brief in what I call constituent ministerial committee.

To quickly summarize the concept detailed in my brief. Federal government system gives way to a unitary system of national government. Present cabinet ministries would be replaced by constituent committees having one elected representative from each province or territory. Collectively these committees would form a national assembly with no Senate or second House, as it would be redundant. National policy would be proposed by consensus of each specific committee for ratification by simple majority of the Assembly. Provincial regulatory bodies, the civil service, would administer policies of the national assembly. This concept for government promotes the universal equality of Canadians and the unity of the nation. The concept is in fact being attempted even now in First Ministers' conferences and joint finance meetings. They fail because federal policy should not factor into but be a result of provincial consensus.

My brief goes on, of course, to provide for political initiative, recall, and referenda as a constitutional right of the people. Authorization to establish democratic process in Canada requires a break with Canadian political and legal convention so that the will of the people might prevail. Government might seek such a mandate by way of referenda questions provided for in my brief. Certainly these are major changes that may well come too late to ward off present threats to national unity. An oath of allegiance now may only serve to prove that the country is already beyond salvation, but if the country's majority supports Canada, is it not incumbent on separatists to seek the approval of that majority in any application to secede from the nation? Is it not the right of the majority, not the minority, to determine Canada's future?

Thank you, Mr. Chairman. This concludes my presentation. I invite your questions concerning my brief.

MR. CHAIRMAN: Thank you very much, Doug. It's a very all-encompassing and sweeping proposal which you've put before us. Do you have some more material written? You indicated you made this presentation . . .

MR. HYSLIP: I submitted a brief. It's entitled The Canadian Formula for Reunification.

MR. CHAIRMAN: Okay.

MR. McINNIS: I have a question, Mr. Chairman.

MR. CHAIRMAN: Yes.

MR. McINNIS: Your brief suggests that there's a problem with the way minorities clamour for rights under the existing Charter of Rights and Freedoms. Do you see any role for the government in protecting the rights of minorities? It just occurs to me that depending on the way the issue cuts, all of us are in a minority position sometime or other, and whenever you're in a minority, it seems like a good idea to have some protection against the hasty majority.

MR. HYSLIP: I guess I'm frustrated by the continual minority question. Everyone in Canada is a minority except those few of us. By the last Canadian federal census there were only 65,000 of us that declared ourselves Canadian. We're allowed to declare ourselves Canadian. That makes us a minority. When do we start to take our share of this country?

MR. McINNIS: I do understand the problem, but what would you do with the Charter of Rights and Freedoms? Would you scrap it altogether?

MR. HYSLIP: No. I believe it's there, but it should be written as a delegation of authority by the majority. It should provide for equal rights of Canadians as decided by the majority.

MR. CHAIRMAN: Thank you very much, Doug, and Donette for your support for your husband today.
Jim Bell.

MR. BELL: Good afternoon, Mr. Chairman and members of the committee. I'm here representing myself and no one else today. I don't pretend to be a constitutional expert or much of a public speaker, but I'll do my best. One speaker earlier today asked, "Why are we here?" Basically, he said if it ain't broke, don't fix it. I think we run quite a severe risk in Canada of having one of the wheels on the bicycle fall off, and that is Quebec.

I think the fundamental constitutional dilemma facing Canada right now is Quebecois nationalism. Why is there Quebecois nationalism? I think it's rooted in the conquest itself and in the treatment of French Canadians following the conquest. For 100 years after the conquest they were politically dominated by the English. They were clearly second-class citizens in their own home. Following the BNA Act they did obtain more political sovereignty in their province, but they still to a large extent were treated as second-class citizens in the federal government. It wasn't until the early 1970s that we had entrenched bilingualism in Canada that ensured that the Quebecois had the right to speak French in the federal institutions.

But that's still not enough for the Quebecois, and a lot of people in the west ask, "Well, what is it that they want?" We've spent a large part of this afternoon trying to answer that question. I don't know what the answer is. I think that fundamentally they want more autonomy so that they can get over the absolute trauma of the conquest and of having lost their homeland to a foreign country. I think what they want is to establish themselves as an autonomous nation within Canada. Well, that poses a real dilemma for the rest of Canada because how can we deal with that and have all Canadians treated equally? I have a few ideas on that. I have a great deal of empathy for the nationalist feelings of the Quebecois because I know that if I were a young French Canadian and I read the history that I've read, I'd feel very saddened by what happened to me, and I would want to establish myself and my nation as an autonomous people to the greatest extent I could so that I could have a lot of pride in the world stage and within Canada itself.

The other imperative that I think is driving constitutional reform isn't the Quebec nationalist question; it's one of how does Canada compete on the world stage? We have free trade with the U.S. We're now looking at free trade with Mexico. The entire world is moving towards reducing the limitations on trade. We have a huge country that is very expensive to administer. We have very few people. The transportation costs are enormous for us, and we have to try to find ways of reducing our cost structure across Canada. You can see the problems that the truckers of Ontario are facing by tying up the 401 because the tax burden is so high on the gasoline, and the general labour costs are so high that they can't compete with Americans. We have a cost structure that clearly has to be reduced. There are ways that can be done other than reducing social programs. A lot of people talk about reducing government expenditures, and a lot of them talk about government waste, but there are structural ways that you can reduce expenditures through constitutional change. That's the other strain that I think is driving constitutional change.

3:46

Based on those premises, the following are my recommendations. I believe that we should move towards more of a confederal system that would see Quebec have more powers than the other provinces of Canada. I believe that we should have a new federal system that would have Quebec on the one side and the other nine provinces on the other side in a new federal legislative body. I can see that the lower House would be representation by population, and the upper House would have equal votes between Quebec and the rest of Canada. My theory for that is that a law that would be acceptable to Canadians across Canada should have the backing of the majority of Canadians behind it, and you would have that through the lower House. But to be acceptable to both Quebec and the rest of Canada, there should be a sort of negative control by each part of Canada, sort of a veto concept, so that if the rest of Canada tries to jam Quebec with a law it wouldn't like, it would have enough representation to block it and vice versa. That's no different than we see in the United Nations now. The United States is the most powerful country on the Security Council, but France, Great Britain, and other countries have an equal vote. Nobody says that because the U.S. is the largest country, it should have more votes than anyone else.

The second element of a revised Constitution I see would be to establish another new legislative body that would govern the other nine provinces of Canada. A number of speakers this afternoon have talked about the need for more uniformity of laws across Canada, more central control. There are a number of advantages to that. First of all, on the education front, I would like my child to be able to move from province to province and have exactly the same curriculum and not be further back or further ahead than his or her classmates depending on what province they started their education in. In health care I'd like my children to have equal treatment from hospital to hospital across the country, no matter where they happen to become sick. In basic things such as interprovincial trade, securities law, pension law – all of these things – if you're in a business, you have to comply with laws in 10 provinces of Canada. You have to hire lawyers in 10 provinces of Canada. You have to hire actuaries to build your plans from province to province to province. These are horrific costs. If you just have one set of laws, you can substantially reduce the costs of government. I think those types of structural changes are a lot better than hacking away at social programs if you're trying to reduce the overall cost of government.

There's a third element of a renewed Constitution. I think that we should consolidate the nine provinces of Canada other than Quebec into three regions. I think there should be one western region, Ontario, and the maritimes. Again it substantially reduces costs. You have far fewer bureaucrats involved in the process. You have far fewer laws that have to be written and administered. You'd only have three sets of laws instead of nine sets of laws. Again, that substantially reduces costs. As part of that process I really like the idea of an elected Senate and an equal Senate, but it's not going to fly with Ontario if Prince Edward Island has the same number of votes as Ontario. You've got 10 million people against a few hundred thousand. It's just not practical. But if you have three regions, then you have 10 million people in Ontario, eight million people in the west, and again the maritimes are smaller, but at least it's up to a couple of million people. That's going to make it a lot more palatable to Ontario to have an equal and elected Senate, and it's going to give the west a lot more power than it currently has, because that way any law would require both the passage by a lower House that would comprise the majority, representation by population, so you get the national will. By having an equal and elected Senate, then you have the regions represented with, again, blocking power, which is critical to ensure that you don't have tyranny by the majority in Canada.

On the economic front – my recommendations, I realize, being given to a provincial committee, are probably not very welcome news because it takes away the powers of the very province that you represent. It's also probably not very palatable to a lot of Albertans because they think, "Why should Quebec have the same powers at the federal level as the rest of Canada?" But there are quid pro quos here. Right now the rest of Canada subsidizes Quebec fairly heavily. If Quebec wants political autonomy – and I think it does, and I think we're never going to resolve our constitutional problems until Quebec does get some sort of autonomy – then it has to pay the price. To me that price is that it has to pay for all of its own programs. I can see continued sharing of resources within the other three regions of Canada, but if Quebec wants the autonomy, it has to pay for the autonomy. I think a lot of Albertans and western Canadians would find it relatively attractive that they no longer have to subsidize Quebec's social programs.

One final point. The Meech Lake process contemplated opting out of national programs, yet the federal government would be subsidizing all of these opted-out provincial programs. Again, if we go to the type of system where you have a very strong central power, I can't see allowing opting out. It has to set those programs. They could be administered in some sense by these regional governments, but I think that the majority of Canadians want to have maximum ability for their children and for themselves and equal opportunity in all regions of Canada. I think it's essential that we have these national programs.

That concludes my remarks.

MR. CHAIRMAN: Thank you very much, Mr. Bell, for coming forward and giving us your views.

Next, I'd like to call forward representatives of the Calgary-West provincial Progressive Conservative association. I welcome you, gentlemen. I'm going to apologize to you as I take leave of the Chair at the moment and ask my colleague from Pincher Creek-Crowsnest to do that. When I explain that I must be home this evening for my daughter's high school graduation, you will understand, I'm sure, that it's a necessity. Please do not take any ill intent about the fact that I have to leave and catch a plane. I'm sure my colleagues on the committee will hear you out, and I'll be reviewing your submission in the transcript. Thank you for coming forward, and excuse me, but first things first.

[Mr. Bradley in the Chair]

MR. ACTING DEPUTY CHAIRMAN: Thank you. Please proceed.

MR. BURGHER: Mr. Chairman, I'm honoured to present the views of the Calgary-West PC Constituency Association. I consider myself fortunate to be able to participate in the discussion about our country's future.

Like most Canadians, the people of Calgary-West have taken Canada for granted. We have taken for granted the freedom to speak, to think, and to vote in elections. We've taken for granted our schools and our hospitals. We take it for granted that should unfortunate circumstances befall us, Canadians as individuals will be there to help. But all we have to do is look at the Kurds or the starving children of Ethiopia or the feuding in Lebanon or the assassination of another Gandhi, and we know we can't take anything for granted. We owe our freedom, our health, our prosperity to this land, this environment, this set of laws and institutions, this collection of people, this country called Canada.

We've all heard it said that Canadians lack a sense of identity, but the more we discuss and debate the future of Canada, the clearer our image becomes. We discover a Canadian identity when we ask the question: why do we want to be Canadian? In Calgary-West we want to be Canadians because we believe in certain values. We believe in fairness. We believe in respect for individuals. We believe in achieving a balance. We believe in sharing among individuals, communities, provinces, and territories. We believe in equality and we believe in diversity; we believe we can be both equal and different. To be Canadian is to hold these values. To be Canadian is to affirm these beliefs. Canada is a concept, and in this sense there will always be a Canada – if not in geographic or political fact, then in our hearts. Our constitutional crisis has forced us to think about our country and to dream about the one we want it to become. It is giving us the opportunity to reaffirm our values. It is giving us the rare chance to reshape and improve our country.

3:56

In Calgary-West we want Canada to stay together. We're Albertans and we're Canadians. Alberta has always existed and, all in all, has prospered within the context of Canada. We want to remain in context. We want to remain committed to our concept, but not at any cost. We've read the Allaire report. We're impressed by its analysis of the current state of affairs in Canada and of the challenges facing us. We agree with most of its proposals for a new division of federal/provincial powers. We believe there is potential for Alberta and Quebec and all the provinces to achieve a better, stronger Canada that allows us all to flourish economically and culturally.

We are open to discussion and negotiation on many points, but three points we insist on. One, we will not be railroaded by artificial and arbitrary deadlines. We will not accept the tyranny of the calendar the way we did in Meech Lake. We will not be slaves to October 1992.

Secondly, whenever new arrangements are made, they must treat all provinces equally. We believe we can be equal and different all at the same time. Each province must be given equal authority and the ability to exercise that authority in the manner best suited to its citizens. Fiscal authority must follow constitutional authority.

Thirdly, as our Premier so eloquently pointed out, we cannot have an economic union without political union. Our union must be both, not one without the other. If we don't have political union, then we must re-examine the geographical extent of what is no longer Canada.

We have four other points. We have stated them as principles, but we are open to discussion and negotiation on the means to put them into effect.

Principle one: operating within the context of national standards, the best decisions are local decisions for they bring government closer to the people. The logic of this principle extends from federal through provincial to municipal authority. Now is a good time to look at the authority, including fiscal authority, given to municipal governments as well.

Principle two: government cannot and should not be responsible for all things. We have too much government. We have too much duplication at all levels of government. We have talked about sharing between individuals, communities, provinces, and territories. We must also talk about sharing responsibilities between individuals and communities – both of place and of interest – and governments. Governments must learn to facilitate, not just legislate.

Principle three: we want decentralization, not disintegration. We want decentralization of decision-making, not disintegration of national purpose, of national standards, and of national commitments to our values.

Principle four: we want some mechanism developed which will empower us to set national standards based on shared beliefs and some mechanism developed, a referee of sorts, which has the power to enforce national standards and national agreements such as equalization payments. To date we have allowed the federal government to set national standards and act as a referee. It has not performed these duties well. It has not reflected our shared beliefs in fairness, balance, and equality. We're not talking about a triple E Senate, however. We're not convinced a triple E Senate is the answer to our problems. We view it as a smokescreen, a smokescreen vulnerable to manipulation. We do not want another national institution in which people blindly vote the party line, as they did with the GST. We want the Senate abolished. We want a new institution, one that focuses on national standards for areas of provincial responsibility, one that referees nationwide agreements between provinces so any Canadian can move freely, accessing quality education and health services, and all Canadian goods can move freely, without impediment, from coast to coast. Such an institution would be a council of stakeholders, a council of provincial and territorial governments with the power and obligation to set national standards, to agree upon equalization of payments, and to enforce these standards and agreements, a council that reflects our shared values and puts our shared beliefs into practice.

In conclusion, I want to share something I read the other day in a national magazine. It was part of a series of stories asking people from across the country: what kind of Canada do you want your kids to have? One of the interviewees pointed out that his children, now age two and three, won't remember the 20th century when they grow up. They already belong to the 21st century, and when they grow up, they will want a country that is fair, sharing, and respectful of diversity even more than it is today. They'll want a country that embodies the values we cherish today. They'll want to be Canadians not only of the heart but in geographic and political fact. We can't let them down.

Mr. Chairman, I wish you and the members of the select committee courage and wisdom in your deliberations. Thank you.

MR. ACTING DEPUTY CHAIRMAN: Thank you for your presentation. I wonder if you might introduce the other gentlemen with you just for the record.

MR. BURGHER: Okay. Dr. Ron Young and Mr. Scott Pritchard.

MR. ACTING DEPUTY CHAIRMAN: Thank you. Are there any questions?

Mr. McInnis.

MR. McINNIS: I'd like to thank all of you for the presentation. Obviously a lot of thought has gone into it. It's a creative submission and, if I may say so, not one that particularly toes the party line. That's a good thing, because I think where we are today, we need to cast our minds about and look for something new. The proposal for a council of stakeholders – I guess you haven't given the new national body to replace the Senate a name yet – reminds me of something that was proposed by the late Grant Notley, called the council of provinces. As I understand it, this council would act as the referee to mediate disputes between federal and provincial governments. For example, if the provincial government has a claim for moneys owing from Ottawa under the revenue guarantee program which is outstanding, I take it this body would resolve disputes like that over distribution of benefits between the two levels of government.

MR. BURGHER: I think what we had in mind was a body provincial in scope that would handle disputes and agreements among provincial governments and not necessarily federal.

MR. PRITCHARD: The idea was that the federal government, of course, would still exist with respect to certain matters. With respect to matters that are moved to the provinces, the provinces between themselves would create the stakeholders' forum, whatever form it might take, to negotiate and referee, to set national standards to keep, for example, in health care the levels of standards in health that we've come to know.

4:06

MR. McINNIS: So it's essentially an intergovernmental meeting of provinces to deal with different topics as they arise.

MR. PRITCHARD: I agree that there would also be the question of equalization payments tied into this. If you ended up in a situation where one province wanted to be a maverick on certain issues, then obviously that might be something reflected in equalization payments.

MR. ACTING DEPUTY CHAIRMAN: Mr. Severtson.

MR. SEVERTSON: Just to carry on that subject of a council of stakeholders, would each province be equal in numbers then?

MR. BURGHER: As we said, it's open to negotiation, but I would say a situation where the representation would be by population.

MR. SEVERTSON: Therefore, it would be the same as the House of Commons, where roughly over 50 percent of the representation would be from Ontario and Quebec. That way, whatever Quebec and Ontario decided on in national standards would be the rule if they got together.

MR. BURGHER: We would envisage a mechanism like the amending formula to operate.

MR. SEVERTSON: Okay.

MR. ACTING DEPUTY CHAIRMAN: Mr. Ady.

MR. ADY: Thank you. My question centres on point one of your three points, where you don't want to be concerned about or stampeded by the October 1992 date of Quebec. When you say that, do you have some mechanism for getting Quebec to slow down their process? Or do you think they're not serious about it? If that's the case, do you think we're getting too concerned with the process we're going through? I'm curious as to how you can feel safe in discounting that date. You may find that when you finally get your process in place that might satisfy Quebec to stay – and you indicate in your comments that you would like to have them stay – they've already gone. How do you intend to rationalize that?

MR. BURGHER: I don't have an answer for that as such, but negotiation and compromise has been one of our hallmarks in Canada, and we pride ourselves on being able to do things thoughtfully at our own pace and arrive at conclusions. I don't think the fact that Quebec was able to say that's the date should allow us to stampede ourselves into unwise decisions forcefully or quickly in order to meet that date. I think Quebec should be made to understand that it takes time and we can't do it as fast as they think we can do it.

MR. ACTING DEPUTY CHAIRMAN: Mr. Hawkesworth.

MR. HAWKESWORTH: Thank you, Mr. Chairman. I'd like to echo the appreciation of my colleagues around the table that you've given some thought here in coming forward with the proposal you have this afternoon. I'm intrigued by this concept of a council of stakeholders. As far as the question of transfer of payments in federal/provincial cost-sharing arrangements is concerned, it's a really sensitive and important issue. We've had expressions of concern this last week where the federal government sets national standards and then a year or several years down the road they single out those areas for cutting back on transfer payments, leaving the provinces with the responsibility of delivering the services and the federal government removing itself from sharing the responsibility. In particular, Mr. Wilson singling out Alberta, B.C., and Ontario recently under the Canada assistance plan was an example of how this can be a very sensitive area for federal/provincial relations.

I'm just wondering: when you talk about the ability to enforce standards and agreements, would you see that the council of stakeholders would have the power to override a federal budget? That is, if they decided as the referee that the federal government was not meeting its obligations under cost-shared programs, would they have the power to override the federal budget and direct that money be provided to the provinces in accordance with the agreement or the legislation that was on the books?

MR. BURGHER: No, I wouldn't see them having that power. I think the federal power would have to be supreme.

MR. HAWKESWORTH: Okay. I appreciate the clarification.

One other area we've heard people comment on in the last seven or eight days that I'd like to use your expertise on, if I might, is the whole area of a multiculturalism policy. There have been some comments on how the government should perhaps revamp or rethink its multiculturalism policy. I know it's not in your brief, but while you're here, I wonder if you'd be willing to share some thoughts about the future of a multiculturalism policy and what some of the hallmarks of that should be in our new arrangements. I know it might be a bit unfair because you didn't come prepared, but perhaps even as an individual without sort of carrying the Calgary-West banner, just some thoughts about it.

MR. BURGHER: As far as multiculturalism is concerned, personally I believe in the policy as a social policy for Canada. I think we have to differentiate between a multicultural society and a bicultural society, which I think is what the multiculturalism policy is really trying to do. Some of us, or our parents or grandparents, have grown up in a bicultural society consisting of the English and the French and maybe we can throw in the aboriginals. I think it has to be recognized in the Constitution that the country has changed dramatically over the last several years and we can't honestly say any longer that we're a bicultural nation. If we're a multicultural nation, then we have to give some credence to the multicultural aspects of programming and of meeting people's needs.

MR. HAWKESWORTH: Thank you. I appreciate that.

MR. ACTING DEPUTY CHAIRMAN: Thank you very much for your representation. We appreciated it.

Our next presenter is Mr. Goldy Hyder. Would Goldy please come forward.

MR. HYDER: Good afternoon. Thank you for the opportunity. My name is Goldy Hyder, and I'm currently on the verge of completing my master of arts degree in the Department of Political Science at the University of Calgary. And no, my thesis is not about the Canadian Constitution. In fact, it has nothing to do with it. I have followed the constitutional debate simply because, like your other presenters, I care about and am concerned about the future of my country.

Last November when Alberta's Constitutional Reform Task Force was in Calgary for a round table discussion, I attended and asked the following question, and you may have read it. It is with a great deal of respect that I note that all the various presenters your task force has heard from are representative of a particular interest group, and it is also with respect that I note that the presenters, members of the task force, and members of the audience are for the most part over the age of 35 and many are in fact over 50 and approaching 65. With all due respect, I'm concerned that the very generation that will be left to govern under the rules you lay down is not represented. My question is: how does an ordinary young Canadian who is not a lawyer, professor, or publisher speak to your commission? As a graduate student of political science and, more importantly, a concerned young Canadian, I too have views on this pertinent issue. The question is: how can I express them?

Well, my question has been answered today. Now is my opportunity, and I am grateful. I cannot within the allotted time even begin to touch on the number of complex issues embedded in constitutional reform, and consequently I want to focus on one particular aspect of reform for which I have grave concerns, and that is the amending process. In particular, I want to focus on the future role of Canadians within the process, and thus my title for this presentation: Be Careful.

4:16

Let me begin my laying my cards on the table. I did not support the Meech Lake accord, not because of what it said about any particular issue, but rather because of the proposed amending formula. We all know about the unanimity clause that came about in the Meech Lake accord. I feared, and still do, that an amending formula based on unanimity means that the status quo also represents the future of Canada. As a young Canadian I feared for the future of this country if change could only come about by way of unanimity. Need I remind you all that the results of your work will be left for future generations to administer; that is, my generation. I support the current 7, 50 rule, which in my opinion represents a reasonable solution to address the concerns of all affected parties. Now, the arguments for and against the existing formula have been made, so there's really no point in me rehashing those for you this afternoon.

Having said that, I want to turn my attention to an issue which is directly linked to the amending process, and that is the issue of the role of the Canadian people in that process. Since the failure of the Meech Lake accord there has been growing support to abandon the process of executive federalism for a highly democratic process. Now, while I fully believe in the democratic process, I am here to caution you, to put things into context before blindly accepting radical change. I am here because I am afraid that you may be leaning towards adopting a process that could well lead to disaster. It is this grave concern that compels me to urge you to be careful. "Careful of what?" you ask. Clearly, one of the most significant ramifications of the Meech Lake accord is the awakening of the Canadian people. The sleeping dog has awoken. Canadians, who for the most part have been characterized as being rather sedate, are now demanding a role in the political sphere which extends beyond voting. Theories explaining why the shift are not as important as the fact that experts argue that the nature of politics in Canada has changed, fundamentally I might add.

The central concern in constitutional reform no longer focuses on what the issue is but rather how the issue is to be addressed. In the past the process used to initiate constitutional reform was executive federalism. Simply put, executive federalism represents a means whereby – and I know this is old jargon to you all, but for the benefit of the audience – federal and provincial governments can engage in a dialogue and issues of concern to each party. It is used for all types of issues, including the Constitution. It was used in 1981-82 to patriate the Constitution. The process was also used in 1987 during the drafting of the Meech Lake accord. During the three-year debate that followed the drafting of the accord, concern mounted regarding the legitimacy of the process of executive federalism. Why were Canadians questioning the process of executive federalism? I think that a quick comparison of the process utilized in '82 with the one in '87 will clearly demonstrate why Canadians were suddenly uneasy with a process they had accepted for decades.

Prior to the signing of the accord in 1981, Canadians played a fundamental role in the process. Canadians were emotionally and intellectually committed to shaping the future of the country. There had been an extensive public hearing process which Canadians participated in. There were task forces, town hall meetings. The media also exposed the general public to the issues by televised debates, editorials, special reports, and the daily news. Even opposition parties in Ottawa fought to promote their view; they had different opinions on the issue. Academics were also intensely involved in debating the merits of any proposed package rather than the demerits of a final package, and of course Canadians fully embraced the constitutional debate during the time of the Quebec referendum. This debate served to expose Canadians to competing visions of the country. Clearly, prior to 1981 the Canadian people had a role in the process of executive federalism.

In 1987, however, the people were inexplicably raped of their legitimate role in the process of executive federalism. There were no public hearings or task forces or town hall meetings. Meech Lake was literally sprung on Canadians. Eleven men got together to talk about issues of concern, and the next thing we knew they had struck a deal, a deal that would truly unite Canada, they said. They informed us that if Canadians wanted, they could engage in public hearings, but do not expect any changes as the deal was a seamless web. Even the opposition parties abandoned their role to oppose. Clearly, this is not what Canadians were used to.

I believe that one of the primary reasons the accord failed is because of the focus that was directed towards the circumstances in which it was drafted and later sold to the public. I believe that the Meech Lake episode represents a bastardized version of executive federalism. Canadians were unaccustomed to being asked for opinions and/or advice which they were told from the outset would have no impact. In fact, anyone who chose to participate was participating in an exercise of futility. Canadians were also unaccustomed to having a gun placed to their heads as their Prime Minister prepared to roll the dice. I believe that Canadians were upset at how they were treated before, during, and after the Meech Lake process. This anger was directed towards the process and those who were involved in the process; i.e., you the politicians. It is frustration with a process which has created a demand by the public to let them in. Canadians do not want to be made fools of, and that is precisely what Meech Lake did: it exploited the perception of Canadians as being apathetic and, generally speaking, uninterested.

While it is true that the practice of executive federalism as experienced with Meech Lake is not the right way to go about changing Canada's Constitution, and while it is true that in the 1990s people have demanded a role in this process, this should not be exaggerated. As politicians whose jobs depend on reelection – and I say this with all due respect – you are all susceptible to the short-term whims and demands of the Canadian people, Canadian voters I might add.

My message to you this afternoon is to be careful. Be careful that you do not adopt a process that may meet the current demands of the Canadian public, that may have gained prominence only because of the most ridiculous manner in which the Meech Lake fiasco was managed by the government. Need I remind you that in a similar process in 1982 history shows little record of a public uproar. In that process, unlike the Meech Lake debacle, there was no attempt by the Prime Minister to roll the dice or to suggest that the package was a seamless web. Meech Lake, of course, represented the other extreme, and the consequences are obvious.

My point of being careful is simply this: do not get engulfed by the demands of the Canadian public, granted that we the people have every reason, legitimate reasons to be appalled by the recent handling of the Meech Lake accord. In the heat of the moment we were livid, and remain so to some extent. However, I caution you: be careful. Do not confuse Canadians' current demands for a more prominent role in the process with a desire to have referendums, constituent assemblies, et cetera, et cetera; you've heard the other suggestions today. I am worried that as politicians you will embrace public demands for things such as referendums, and this I feel will have some serious ramifications for the future. Other countries who have used referendums have had problems, and I encourage you to look at the research for that.

Canada I think is currently experiencing a crisis of legitimacy. People want representation. You've heard that theme throughout this morning and this afternoon. They want to know that their vote means something. They want to know that they are being listened to. Do not be fooled. Canadians do not want to run the process; rather, Canadians want an opportunity to express their views and concerns about constitutional issues before things are finalized. Canadians feel that they've been mistakenly led to believe that they live in a representative democracy. There are those who argue – I assume you all have argued this point as well: "Well, we represent you in caucus. We represent you in cabinet." Now, as much as I hate to use clichés, I think they are rather appropriate in this regard. Out of sight means out of mind, and perception is reality. Canadians do not see their representatives representing them, whether it be in cabinet or in caucus. As a result, the electorate perceives that their views are not being listened to, not even in a symbolic sense.

I believe that it will take very little to calm the Canadian public. My recommendation is to reform the process of executive federalism so that Canadians have the opportunity to participate if they choose to. Do not, however, force them to; Canadians do not respond well to coercion. Begin by reforming the Legislatures and Parliament, relax party discipline, give Canadians the real, not just symbolic, opportunity to participate: easy for me to say. I am not at all suggesting that Canada is perfect; in fact, that is the very reason I am here. I perceive the amending process as the key to the future, so I'm here to urge you to be careful in choosing an amending formula. Whatever you decide, remember that the amending process must be flexible enough to allow the Constitution to evolve over time.

I repeat: Canada is not perfect, and I would like to think that my generation will have an opportunity to make it better. Please do not deprive my generation of that challenge.

Thank you for your time. I have a submission, Mr. Chairman, and I will note that the red and white is intentional symbolically.

4:26

MR. ACTING DEPUTY CHAIRMAN: Well, thank you very much for your presentation. Let me assure you that we've heard from other people of your generation, including some delightful young people in grade 6 and other high school students and other people attending university, so we have had that opportunity.

I just want to make one comment with regards to the amending formula. Under the current Constitution, the '82 document, to amend the distribution of powers it takes seven out of 10 provinces representing 50 percent of the people, but if you want to change the amending formula itself, it's unanimity. That's where we're at in terms of the process.

MR. HYDER: Yes, I understand.

MR. ACTING DEPUTY CHAIRMAN: Mrs. Gagnon.

MRS. GAGNON: I just want to say that this is quite a switch. We're usually the ones telling young people, "Be careful, be careful." So I kind of appreciated being told to be careful. Thank you.

MR. HYDER: They say history's cyclical; things come around.

MR. ACTING DEPUTY CHAIRMAN: Mr. Hawkesworth.

MR. HAWKESWORTH: Thank you, Mr. Chairman. Well, I appreciate your admonition to be careful, and believe you me, I think that's foremost on all of our minds. Let me ask you, though, how do you see us going from here? You're almost the last presentation. We go back into the Legislature next week; we have our meeting as a full committee. Where do we go from here? In a practical sense, how do we translate your admonition into our next steps?

MR. HYDER: Well, I think you can revert right back to what happened in 1981 and '82 and follow that process. People were very comfortable with it. We the people have had an opportunity to have our say today, but let me say something to you, with all due respect. We thank you for the opportunity, but there's only one damn reason you're here, and that's because we forced you to this table. That's the only reason you're here. Otherwise, the same thing that happened in '81-82 would have happened in '87 and afterwards. The first ministers would have agreed. They would have gone to their Legislatures, ratified it, and we would all be debating the impact of Meech Lake. We would not be here talking about the process.

So with all due respect, I think what you need to pay attention to is: what is it exactly that the people want? They want to know that they're being listened to, that they're heard – right? – and that their opinion matters. I think that this is only a beginning; it is only scratching the surface of what people really want. You were speaking earlier about televised Legislatures and so on. They want to see a vociferous debate where people are allowed to express their views openly and honestly, not just because of the flag that they represent. People want to see that. They want to see a reform of the Legislature; they want to see a reform of the Parliament. They want to see you doing your job. I don't want you to dump your load of having to decide constitutional arrangements federally and provincially, because you're the ones who should be understanding it much more than the general public. The common person doesn't understand the intricate immigration agreements that the federal government has with almost every single province in this country. That's your job. So just because the people are asking for a role, don't dump it on them and say, "Okay, well, you decide; we'll just be your representatives." Representing what, if you ask us to decide everything? That's what I'm here to say.

MR. HAWKESWORTH: Okay, thank you.

MR. ACTING DEPUTY CHAIRMAN: Mr. Ady has a question, and then we'll have to conclude.

MR. HYDER: Sure.

MR. ADY: I guess I've got a question and an observation. I'm getting a mixed message from you. You're telling us don't dump it onto you and yet you're saying that the public wants to have a lot of input and involvement. I've got a little trouble with that. Maybe I could just shed a little light on the Meech Lake process that you really came down so hard on.

I know that in my case, and I know the opposition parties put some effort into trying to get some public input into the Meech Lake process – we all went out and advertised. We had three years. We spent time trying to get our constituents to even hear what it was about, and no one really cared . . .

MR. HYDER: But with all due respect . . .

MR. ADY: Just a minute . . .

MR. HYDER: I have to interject at that point because there's a fundamental difference here.

MR. ADY: No you don't. I listened to you. Just wait a minute and then you can.

We made an effort, albeit it wasn't successful – I'll grant you that – and no one really cared until the language law in French Quebec. Then heads came up and everyone was interested. And that's fair; I don't have any trouble with that. By and large – at least the people I talked to were not so concerned about the amending formula as they were about the distinct society clause. We really need to define how far citizens want to be involved, and my question to you is: how do we get them involved that far? Frankly, I believe that politicians are sincere in wanting to accomplish that. I really do.

MR. HYDER: Let me just concur with your final point. I don't think it's politicians who are corrupt or anything of that nature. I think the system forces you to be the way you are. You simply go in and out the revolving door; tomorrow it will be somebody else's turn. It's the way the system is structured that's flawed. That's my point to you this afternoon.

Now, I want to go back to two things, because I have to beg to differ with you on one of them.

MR. ACTING DEPUTY CHAIRMAN: Please be very brief, because we have to conclude by 5 o'clock, and there are four other people who wish to make some presentations to us.

MR. HYDER: Certainly. I want to go back to two things. The very first point was that yes, some of you did have public hearings and so forth, but as I mentioned in my comments, for what purpose? No matter what we said, we were told it didn't matter. I would much rather stay home and watch the hockey game than come and have to tell you people what I think, knowing that it's going in the garbage can. That's not any reflection on your capabilities or anything like that; it's just what the Prime Minister had told us. Today, the Southam unity thing that came out, they were saying, "What is wrong with Canada?" I think – what is it here? – 48 percent said the system of government and 30 percent said the Mulroney government. That's what's wrong with Canada; 78 percent of the people pretty much decided what's wrong with Canada. It's the system. So it's not you personally.

Now, you were saying . . .

MR. ACTING DEPUTY CHAIRMAN: Can you conclude, please?

MR. HYDER: Sure, sure. I want to address the very important point you made at the beginning about the apparent conflict.

You see, there must be a distinction made between people having a role and a say in the process as opposed to being the final decision-maker. I am concerned that if we head into referendums and things like that where we'll need 60, 70 percent of the people to support something to happen – with all due respect to the people, I believe in the democratic process, but we are not in tune with the intricate arrangements between federal governments and provincial governments and so forth. That is your job. You come and tell us what you think you need and we'll tell you what we think, and there is a consultative process in place here. We all govern this country together. I don't know anywhere in the world where it says in the Constitution that the governments govern the country. We all govern this country, and that's the way it should be.

Thank you.

MR. ADY: We wouldn't have ratified it if you had told us not to.

MR. HYDER: That's true.

MR. ACTING DEPUTY CHAIRMAN: Well, let's stop this debate, because we have to move on. Thank you very much, Goldy, for your presentation.

MR. HYDER: Thank you for your time. I appreciate it.

MR. ACTING DEPUTY CHAIRMAN: We have now come to a conclusion in terms of the formal presentations where people had arranged well in advance to speak to us. We do have four other people who have registered who asked for an opportunity to come forward and make a presentation. We are going to limit those presentations to five minutes. I'm going to ask my colleagues that they don't ask any questions, because this meeting has to conclude at 5 o'clock because a number of the members here have to be in other places later on this evening. We have four people who've asked to register today to speak. They are Wendell Koning, Ted Matthews, Cindy McCallum, and Hector McElroy. I'd like to ask you to limit your presentations to five minutes.

Wendell Koning.

MR. KONING: Thank you.

With reference to the tragedy of the Meech Lake failure of last year, I have the following recommendation. Let the Alberta

Legislature pass a motion formally apologizing to the people of Quebec for the hurt that they have experienced with the breakdown of the Meech Lake accord. Whether rightly or not, the average citizen in Quebec took the defeat of Meech personally as a rejection of themselves and their desire to protect their French-Canadian culture. They felt that Meech was essentially a fait accompli after the Premiers thrashed out the initial agreement on Meech Lake. The breakdown of Meech, as we all know, was messy. Therefore, let us start with a formal apology. Let all the provincial Legislatures do the same. Let us clear the air – this is only normal after a breakdown in communication – and then we can come together to discuss our differences and negotiate new arrangements.

There may be room for providing additional responsibilities to each province; for example, leave the area of language laws and cultural protection to the provinces. No matter if I find Quebec language laws draconic, I am not in any way hurt if Quebec, outside of the federal services, speaks only French. As an English speaker, I am still part of the continental majority, and as a member of the majority I likely fall short in recognizing the needs of minorities, whether the minority are the Quebecois or native Canadians. The provinces may also be more responsive in administrating more of the area of immigration. The federal immigration department, as we all know, is no shining example of efficiency. Let the federal department retain responsibility for refugees only, to ensure that they obtain adequate national treatment.

4:36

Although I consider myself an Albertan first, nevertheless I abhor the building of petty provincial kingdoms. Let us avoid senseless handing over of additional responsibilities to the provinces, no matter how much they clamour for them. Let us retain the strong federal government, in particular in the following areas: health, environment, environmental standards – I'm a biologist – and providing for the poor. I recommend adding to the federal realm the areas of education, professional standards, and other items that restrict the flow of Canadians from one province to another. Currently it can be a nightmare switching from province to province to continue one's education, be it high school or postsecondary. Every province has its pet list of subjects and prerequisites, thereby prohibiting the free movement of students or at least creating unnecessary delays in completion of one's education and entrance to the work force.

Similarly, provincially organized professional associations – for example, teachers or nurses or engineers – can place costly roadblocks in the paths of those seeking better employment opportunities in other parts of Canada. It's difficult to move around. Let Canada be a place with a freer flow, not only of economic goods but also of people seeking educational and economic gain. Let us remove interprovincial barriers rather than build them up. It will make the country stronger, more unified, and more efficient in the current global economy.

Finally, let the people across Canada take note of the participation of Albertans at these hearings, and let them recognize that the vast majority of Albertans are actively seeking consensus with the other regions of Canada. We are not separatists but nation builders.

Thank you.

MR. ACTING DEPUTY CHAIRMAN: Well, thank you very much, Wendell. Could we have a copy of your presentation?

Now we have Ted Matthews, please.

MR. MATTHEWS: Good day, ladies and gentlemen. Thank you for seeing me on such short notice. I have given you a copy of my remarks for your consideration. The purpose of these remarks is to establish a position of Canada in the world, so we're thinking of Canada as one entity, and also to establish the position of Alberta in Canada. From this analysis a logical conclusion will follow.

Canada. Why did not the government of Canada send an army to support the United Nations' action in Kuwait? Does the government of Canada plan to use the army only against citizens of Canada? Why does the same automobile sell in the United States for $20,000 and for $30,000 in Canada? Why do Canadians living adjacent to the border shop outside Canada? Does this action confirm that Canada is not viable?

Why has Canada fallen from the world's second position of gross domestic production per head in 1970, after the United States, to ninth position in 1988 after the United States, Denmark, Finland, West Germany, Iceland, Japan, Norway, Sweden, and Switzerland? It's just the most dramatic decline the world has seen. If you turn to the next page, page 3, you'll see that these figures come from *The Economist Book of Vital World Statistics*, page 34, the copyright there. The Library of Congress card is there so you can confirm that. But we've come since 1970 – if you think of your chairman who left, his daughter was probably born about this time to graduate from high school – from number two, and we're now number nine in Canada. So we have to ask the question: what is Canada? I've tried to establish that. Where is it going?

Next, I'd like to address my remarks to the position of Alberta in Canada. This is an interesting one here. If you have children, it's interesting. Why do children in Alberta have a significantly lower chance of attending university vis-à-vis children in Ontario and other parts of Canada? Now, you get the statistic to prove the point on page 6 of the footnote I'm using. Why are twice as many Albertans incarcerated per capita? Why does the life expectancy in Alberta, in spite of government medical programs, provide no significant advantage to the life expectancy vis-à-vis the American experience? I think Mrs. Gagnon asked the question earlier this morning about how we decide on health care cost. That's an interesting statistic. You would think that with all the money we're spending on health care, people would live longer in Alberta. You can see from the statistics that it's a very slight change, if any.

Why did the government of Canada remove the Canadian Broadcasting Corporation operations from Calgary? Did the government of Canada take the same action throughout Canada? Why did the government of Canada eliminate rail passenger service in Calgary? These origins stimulated the development of this area. Did the government take the same action throughout Canada?

Why have six deaths of citizens of Alberta been caused by actions of the police of Canada? Why have the people responsible been protected by the laws of the government of Canada and the secret appointees of the government of Canada? This is a shocking comparison between the Los Angeles investigation, directed only at the alleged beating of a motorist and not involving the loss of lives.

What action did the federal government take to provide employment for Albertans and to compensate them for the discriminatory bilingual/bicultural rules? Are Albertans charged less by the government of Canada because of the lower quality of life received? The answer is no. Albertans have been specially taxed, $243,000, or a quarter of a million dollars, more per person than other Canadians in the past 30 years. I wish to take that statistic and look at page 7. I got the latest federal transfer payments from Mansell's paper – I think Mr. Hawkesworth talked about that – and I added an interest factor to it, and I accumulated it. Now, take how many dollars each Albertan was forced to pay through legislation – they didn't see the money – taking Mansell, a respected member of the community academically and elsewhere, and add a 10 percent factor to it. I mean, if we have to charge on our credit card, interest is 20 percent. You come out that every Albertan paid 240,000 bucks more, period, in the last 30 years. Looking at our little homes, that would mean every Albertan could own two homes in Calgary. Where does this leave us?

In conclusion, it follows that we see only a declining Canada. Two, it also follows that we can see Albertans have an inferior relationship to other Canadians. Therefore, we demand that you and your government bring to us, the citizens of Alberta, any proposed agreement between Alberta and Canada for every Albertan to evaluate and to approve by a vote in the same procedure as utilized for approving our original elected Senator. This vote would offer Albertans the same democratic right that the province of Quebec is offering its citizens. This vote is required, as no one little group has the right to commit the lives of the citizens of Alberta. If you want it to be a Constitution of the people, it must be ratified by the people.

Mr. Bradley, thank you.

MR. ACTING DEPUTY CHAIRMAN: Well, thank you for your presentation. You've raised a number of interesting questions, and we appreciate your presentation.

MR. McINNIS: And bringing the data to back it up too. Thank you.

MR. MATTHEWS: Well, we have it there.

MR. ACTING DEPUTY CHAIRMAN: I'm sure it could engender a great debate. We don't have the time today, but thank you very much.

MR. MATTHEWS: I would ask you to ask yourself that. Thank you.

MR. ACTING DEPUTY CHAIRMAN: Is Cindy McCallum here, please? I'd appreciate it if you could keep your presentation within the five minutes, if that's possible.

MS McCALLUM: I'll certainly try. Just before I start my presentation, Mr. Chairman, I'd like to qualify. We had booked several weeks ago on behalf of the Calgary and district labour council, attempting to try and get in to make a formal presentation. We do represent 30,000 working people in this city. [interjection] I'm sorry. I just wanted to qualify that I'm going to try and squeeze our presentation into that time, so if I take six minutes, I'd ask your . . .

MR. ACTING DEPUTY CHAIRMAN: The clock is ticking.

MS McCALLUM: All right. We represent the people whom some of you only know as statistics: the number of unemployed due to plant closures or relocations due to free trade; the number of unemployed due to government-imposed strategies such as deregulation, privatization, and contracting out; the number of people unable to find decent, affordable housing due to the lack of rent controls; the number of people forced to turn to social services or welfare; and the number of people living in poverty. We view Alberta's role in Canada through the eyes of the people who built this province and this country with hard work and perseverance.

Our vision of Canada is not limited by the boundaries of economic policy and capitalist philosophy. We understand the struggles of working people from one end of the country to another, and those struggles transcend geographical boundaries and language barriers. In a new Canada those struggles must finally be addressed and priority placed on entrenching the rights and human dignity of working women and men into the legislation which directs our lives. In order for Alberta to have a credible voice in the constitutional debate, the provincial government must first set its own priorities in order, and those priorities must be based on the needs of its citizens.

4:46

We need to build a country which does not reward its seniors with poverty and eroded health care services. Our seniors have earned the right to retire in dignity. Attempts by the federal government to deindex pensions, to eliminate the concept of universality, and this provincial government's callous action of reducing subsidies to the elderly create a dismal picture for present and future seniors alike.

A new Canada must recognize the inalienable right of women to control their own bodies and their own destinies. There must be a commitment to building a society where women will attain full economic, social, and political equality with men; where the value of women's contributions both in and outside the home is respected; a society which does not condone violence towards women and which offers a haven and a sanctuary to those who must flee from violence when it occurs. In order to ensure full economic equality, legislation to implement pay equity and to create public, nonprofit child care facilities must be introduced. Any remaining archaic legislation which regards women as chattel must be searched out and repealed.

A new Canada must not be relegated to the status of a commodity in a world market. The direction of the country must not be based solely on economic forces. Parliament is not a corporate boardroom, and governments are not instruments of the business community. Governments must protect the interests of the people, must guard our resources from exploitation by those whose only concern is a short-term profit margin. An American, Thomas Jefferson, once noted that business has no nationality, meaning that corporations have no sense of loyalty to the country they operate in. Their loyalty is directed to the balance sheet of their enterprise. It is up to governments as the instrument of the people to ensure that national standards, both human and environmental, are enforced.

A new Canada must never support the type of philosophy which allowed the Masters and Servants Act to become a law of the land. The basic human rights we each expect to enjoy in this country must not be perverted in order to gain employment. Workers must have the right not only to form and join unions but also to withhold their labour regardless of their profession in order to gain a level of equality with employers. Employers and employees are mutually dependent on each other to achieve success, and therefore there must be a process which ensures that employees are not disadvantaged in the process of negotiations. The basic right to strike provides a mechanism to allow employees a level of equality, and this right must be extended to all working people.

As an instrument of the people governments must not introduce legislation which is designed to assist corporations in oppressing workers. Labour legislation must be geared to protecting the ability of people to earn decent wages, work in safe and healthy conditions free of discrimination based on gender, race, religion, physical impairment, or sexual orientation. In order to allow people the ability to negotiate conditions of work, governments must introduce antiscab legislation, which would act as a means to encourage employers to bargain fairly and in good faith. In an age of advanced technology which in many cases is eliminating traditional work, governments must ensure that people are not just cast aside by corporations preferring to replace people with machines in order to reduce operating costs and enhance profits. Technology should benefit all Canadians, not impoverish them. All levels of government have a responsibility to plan for the future and to prepare people for employment opportunities which will be available and required. Goals of zero unemployment should be actively pursued by governments in an attempt to build a solid society. High unemployment strategies are not acceptable to the people of this country, who believe meaningful work is essential to personal growth and economic stability.

MR. ACTING DEPUTY CHAIRMAN: Could we give you about one minute to conclude, and then if you could leave your paper with us . . .

MS McCALLUM: I could try to do that.

A new Canada must ensure that every citizen, regardless of where they live in this country, has the right to expect quality health care services, education, national transportation and communication systems. The current federal government's attacks on these public services has led to a feeling of rejection and isolation by rural Canadians, our youth, and our seniors. The privatization of Air Canada, Canada Post, and Via Rail, along with cutbacks to CBC and the provincial funding for postsecondary education and health care as well as the decimation of programs such as the unemployment insurance program, are in fact attacks on the people of this country. A new Canada must reflect the spirit of our early settlers who believed that the collective health and welfare of the people was their ultimate strength. We must not allow the Legislatures of this country to erode our social fabric any further by abandoning their responsibilities to maintain those services for the benefit of future and present generations.

Just briefly and off the paper, it's very difficult for us to try and cram all this information into a five-minute presentation, and the reason we took this opportunity today was because we could not get a guarantee that we would have an opportunity in the future. As a body representing 30,000 workers in this city alone, we thought that we had the right to expect to be able to be heard, so certainly I would ask you to ensure that you put another day on. We would like to make a formal presentation at that point in time, seeing as we've been unable to present all of our thoughts in this one specific effort.

MR. ACTING DEPUTY CHAIRMAN: Well, I think we recognize that we'll be meeting next week to decide whether we require further public hearings. We've had requests from other centres, so we'd certainly take your suggestion under consideration at that time and appreciate your making these brief remarks today.

MR. HAWKESWORTH: Was it a verbal request on your part?

MS McCALLUM: I phoned two weeks ago to make an appointment and was told that I could have an informal one but not a formal one. I've requested to be put on a waiting list as well on behalf of the Calgary Labour Council, and there are a number of other organizations who also attempted. I called your 1-800 number.

MR. ACTING DEPUTY CHAIRMAN: Well, these have been scheduled for some time. These were the written presentations we had as of the deadline that was advertised.

MS McCALLUM: May 10, that's right.

MR. ACTING DEPUTY CHAIRMAN: Thank you for your presentation. I hope you'll leave a copy with us.

MS McCALLUM: We will. Okay; thank you.

MR. ACTING DEPUTY CHAIRMAN: Would Mr. McElroy please come forward? We're running out of time; I'm sorry.

MR. McELROY: Thank you for giving me this privilege. I've got my watch off.

MR. ACTING DEPUTY CHAIRMAN: We have a timer that will tell you when five minutes is up.

MR. McELROY: Mine will be about two minutes.

MR. ACTING DEPUTY CHAIRMAN: Okay.

MR. McELROY: Mine was prepared by Premier Don Getty. I want to read it to you. Message from the Premier: It gives me great pleasure to once again join you in recognizing private property week, October 5 to 12, 1987. We are fortunate to live in a country which allows us the right to own property, to dispose of it for profit, bequeath it to our children. It is a privilege denied to many in other parts of the world. On behalf of the government of Alberta I wish you every success as you continue to focus attention upon the importance of private property ownership to the quality of life we enjoy in this province.

Mr. Hawkesworth, I once presented you with the documents regarding the government's methods of taking our property in the RDA. Yes. I did to Bettie Hewes. I would like you gentlemen to go back to the government tomorrow to make this a reality.

I asked you if this was a reality in the life of Hector McElroy, who 17 years ago acquired a piece of property and 10 days later the caveats of the government of the province of Alberta came on it. Therefore, I'm asking not Ottawa but the government of the province of Alberta to entrench the promise given to me here by the Premier of Alberta, in a Constitution or something in Alberta so that my boys who went out and took a mortgage on a farm and paid it off without asking for welfare, and I've never been on it; you did your best to put me there – never happens to anybody else in the province of Alberta, and I expect you to start bringing it up in the House, and Bettie Hewes too. Here's a promise given to me by the Premier. Nevertheless, it is the responsibility of government to correct inequities and unfairness whenever and wherever either appears. You mean to say their offer to settle with me would replace my house?

MR. ACTING DEPUTY CHAIRMAN: We're here to receive representations on the Constitution.

MR. McELROY: That's okay. What's the use of a Constitution if I'm not protected in my home? I know it's not in Ottawa, but the Premier's given me a promise here, I believe, for Alberta.

MR. ACTING DEPUTY CHAIRMAN: Well, we appreciate your representation. Thank you very much, Mr. McElroy.

MR. HAWKESWORTH: Just a point of clarification, Mr. McElroy. I understand you feel you're in a situation where your property's been expropriated but there's been no compensation provided to you because you're not able to dispose of it or sell it to any other buyer except the government and they haven't made you an offer under an Expropriation Act.

MR. McELROY: In our case there was nothing in law to protect us in the RDA. We have no rights. They were all taken from us.

MR. ACTING DEPUTY CHAIRMAN: Well, thank you very much for your presentation.

This brings to a conclusion eight days of hearings over the last nine days. We've heard from 191 Albertans. We are only one panel. There's a second panel which has also been hearing across the province over the last eight days. On June 6 we are going to meet as a whole committee and take into consideration the representations we have heard and discuss what future process this committee will undertake.

Thank you very much for your input. We've certainly enjoyed your presentations today. Thank you.

[The committee adjourned at 4:56 p.m.]